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Tuesday, 22 April 2014

Meeting of the Adjourned Annual Council

Dear Member

I am pleased to invite you to attend the adjourned annual Council meeting of Torbay Council which will be held in **Rosetor Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 1 May 2014** commencing at **5.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steve Parrock'.

Steve Parrock
Executive Director of Finance and Operations

(All members are summoned to attend the meeting of the Council in accordance with the requirements of the Local Government Act 1972 and Standing Orders A5.)

Working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

June Gurry, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207012

Email: governance.support@torbay.gov.uk
www.torbay.gov.uk

Meeting of the Adjourned Annual Council Agenda

1. Apologies for absence

2. Declarations of interests

- (a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

- (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

3. Communications

To receive any communications or announcements from the Chairman, the Mayor, the Overview and Scrutiny Co-ordinator or the Executive Director of Operations and Finance.

4. Public question time

To hear and respond to any written questions or statements from members of the public which have been submitted in accordance with Standing Order A24.

- (a) Public Question - Can recycling facilities (Page 1)

- (b) Public Question - Hi Flyer (Page 2)

5. Members' questions

To respond to the submitted questions asked under Standing Order A13:

(Pages 3 - 5)

6. Notice of motions

To consider the attached motion, notice of which has been given in accordance with Standing Order A14 by the members indicated:

- (a) Notice of Motion - Betting Shops (Mayoral) (Page 6)
7. **Disposal of Surplus Real Estate Assets (Mayoral Decision)** (Pages 7 - 31)
To consider the submitted report relating to the disposal of 10 unused assets to achieve capital receipts and cost savings.
8. **Devon Audit Partnership - Extension of Deed of Variation (Mayoral Decision)** (Pages 32 - 43)
To consider the attached report seeking approval to extend the partnership for a further three years and to amend its membership.
9. **Careers on South West Changes to Legal Arrangements (Mayoral Decision)** (Pages 44 - 55)
To consider the attached report setting out a proposal to change the legal arrangements for the operation of Careers South West (CSW).
10. **P/2014/0095 - Provision of a dwelling on adjacent land (Re-submission of P/2013/0979), Pine Lodge, Sladnor Park Road, Torquay** (Pages 56 - 69)
To consider an application previously considered by the Development Management Committee for the provision of a dwelling on adjacent land.
11. **Local Government Pensions Discretions 2014** (Pages 70 - 76)
To consider the submitted report on the changes to the Local Government Pension Scheme 2014.
12. **Review of Political Balance and Appointments to Committees** (Pages 77 - 93)
To consider the attached report on the review of political balance and appointments to committees and other bodies.
13. **Calendar of Meetings 2014/15** (Pages 94 - 98)
To seek approval for the calendar of meetings for the 2014/15 Municipal Year.
14. **Appointment of Overview and Scrutiny Co-ordinator and Scrutiny Leads**
To consider:
- (a) Appointing the Overview and Scrutiny Co-ordinator for 2014/15; and
 - (b) Appointing the following Scrutiny Lead members for 2014/15:
 - People
 - Place
 - Business
 - Health

(Note: Executive Leads shall not be appointed as the Overview and Scrutiny Co-ordinator or Scrutiny Lead Members.)

- 15. Overview and Scrutiny Annual Report** (Pages 99 - 100)
To consider the Annual Report of the Council's Overview and Scrutiny Board.
- 16. Composition and Constitution of the Executive and Delegation of Functions** (Pages 101 - 108)
To receive details on the composition and constitution of the Mayor's Executive for 2014/15, together with the record of delegations of Executive functions.
- 17. Scheme of Delegation for Council Functions**
To agree the scheme of delegation for Council functions, as set out in Part 3 of the Constitution in so far as they relate to Council functions.

The Constitution can be viewed on the Council's website using the following link [Constitution](#).

Note

An audio recording of this meeting will normally be available at www.torbay.gov.uk within 48 hours.

Agenda Item 4a

Residents who live in houses of multiple occupation have contacted me regarding the removal of the can recycling banks at Lymington Road Coach Station and Brunswick Square Care Park.

Please could the Council advise when the can recycling facilities will be returned?

Swithin Long

Agenda Item 4b

I understand that the Council is pursuing Lindstrand for the outstanding £50,000 owed from the Hi Flyer balloon

In light of this, can the Council advise if they are aware of any assets that Lindstrand have that might be used to settle the debt, and what are the value of the assets?

What is the best estimate of the overall cost of reclaiming monies back for the council taxpayer?

Swithin Long

Agenda Item 5

Meeting of the Council

Thursday, 30 April 2014

Questions Under Standing Order A13

Question (1) by Councillor Pentney to the Mayor and Executive Lead for Employment and Regeneration, Finance and Audit (Mayor Oliver)	In light of publicity surrounding Akkeron. What action is the Torbay Council taking?
Question (2) by Councillor Parrott to the Executive Lead for Health and Wellbeing (Councillor Lewis)	How many teenage pregnancies in the Bay ran to term during the most recent full year reporting period (2012)? How many ended in terminations? And, how many ended in miscarriages?
Question (3) by Councillor Parrott to the Executive Lead for Safer Communities, Parking and Sport (Councillor Excell)	How many prosecutions have been brought against the fathers, in cases of teenage pregnancies in the Bay by children under the age of 16 during the most recent full year reporting period (2012)? And, how many of those prosecutions resulted in convictions?
Question (4) by Councillor Parrott to the Executive Lead for Health and Wellbeing (Councillor Lewis)	What was the age of the youngest child to fall pregnant in the Bay during the most recent full year reporting period (2012)?
Question (5) by Councillor Parrott to the Executive Lead for Health and Wellbeing (Councillor Lewis)	In which wards and at which schools did the highest number of teenage pregnancies in the Bay occur during the most recent full year reporting period (2012)?
Question (6) by	How many diagnoses of Attention Deficit/Hyperactive Disorder were

<p>Councillor Parrott to the Executive Lead for Health and Wellbeing (Councillor Lewis)</p>	<p>made in relation to children and young people under the age of 18 resident in the Bay during each of the years 2009/10, 2010/2011 and 2011/12? And how many prescriptions for Ritalin or other forms of methylphenidate were written by GPs for children and young people under the age of 18, resident in the Bay, for each of these three years?</p>
<p>Question (7) by Councillor Parrott to the Executive Lead for Health and Wellbeing (Councillor Lewis)</p>	<p>How many cases of involuntary tranquiliser addiction have been recorded in the Bay during each of the years 2009/10, 2010/2011 and 2011/12? And how many prescriptions for benzodiazepines, for example temazepam and diazepam, have been written by GPs for residents in the Bay for each of those three years?</p>
<p>Question (8) by Councillor Parrott to the Executive Lead for Health and Wellbeing (Councillor Lewis)</p>	<p>How many prescriptions for methadone have been written by GPs for residents in the Bay for each of the years 2009/10, 2010/2011 and 2011/12?</p>
<p>Question (9) by Councillor Parrott to the Executive Lead for Tourism and Harbours / Council Representative on English Riviera Tourism Company (Councillor Richards)</p>	<p>Is it the case that the English Riviera Tourism Company has made funding subsidy payments to private businesses in the Bay? And, if so, on what basis were those businesses selected to receive such payments?</p>
<p>Question (10) by Councillor Parrott to the Executive Lead for Children, Schools and Families (Councillor Pritchard)</p>	<p>Is it the case that Parkfield is to house the Torbay Youth Offending Team?</p>
<p>Question (11) by Councillor Parrott to the Executive Lead for Children, Schools and</p>	<p>Why was Parkfield only open to the public between 4.30 pm and 6.30 pm and 7.00 pm until 9.00 pm on Tuesday to Friday during the Easter school holidays?</p>

Families (Councillor Pritchard)	
Question (12) by Councillor Pentney to the Mayor and Executive Lead for Employment and Regeneration, Finance and Audit (Mayor Oliver)	Can you confirm the sum of money received from the sale of Fernham former residential care home that has been placed in a protected account? Can you advise what sums for what purpose have been drawn down from this account?
Question (13) by Councillor Darling to the Mayor and Executive Lead for Employment and Regeneration, Finance and Audit	I have been led to believe Westerleigh group have developed a 'closed shop' for monumental masons who can conduct works at Torquay crematorium. If this is the case, this is anti competitive and some residents believe that it will result in higher costs. What pressure can you bring to bear to develop an open market for such works?
Question (14) by Councillor Faulkner (J) to the Executive Lead for Safer Communities, Parking and Sport (Councillor Excell	What plans do you have to ensure that Lower Union Street car park is accessible for those residents who wish to use their Disabled persons parking permit?
Question (15) by Councillor Darling to the Executive Lead for Business Planning and Governance (Councillor Mills)	Under the previous Conservative administration the performance targets and performance assessment, for the Chief Executive were conducted with the Mayor and other group leaders. In almost three years of you running the Council no such procedure has been under taken. In light of this can you share with all members the performance targets you have set for the current Senior Officer of the Council.

Agenda Item 6a

Council Meeting, 30 April 2014

Liberal Democrat Notice of Motion

Council Motion – Creation of a separate planning use class for betting shops

This Council notes that:

63 cross-party led local authorities have submitted a proposal for the government to create a separate planning use class for betting shops so that councils have new powers to address the problem. Creating a separate planning use class is Liberal Democrat Party policy and is also supported by the LGA, the GLA and the Mayor of London.

The proliferation and concentration of betting shops is contributing to community decline, especially the decline in valued community assets like pubs. England's poorest spend £13bn a year on the gambling machines in these shops according to a study published by the Campaign for Fairer Gambling. The ongoing spread of betting shops has also been linked to gambling addiction and crime.

The proposal has been submitted under the Sustainable Communities Act. The government is considering it right now.

This Council resolves to

Write to, the Secretary of State, Eric Pickles MP, asking him to "Please agree to the proposal for a separate planning use class for betting shops submitted by 63 councils under the Sustainable Communities Act".

Proposed by Councillor Faulkner (A)

Seconded by Councillor Doggett



Meeting: Adjourned Annual Council

Date: 1 May 2014

Wards Affected: Preston, Cockington with Chelston, Ellacombe, Shiphay & The Willows, Blatchcombe, Clifton with Maidenway

Report Title: Proposed Disposal of Surplus Assets

Is the decision a key decision? Yes

When does the decision need to be implemented? After the call-in period

Executive Lead Contact Details: The Mayor, Town Hall, Castle Circus, Torquay, TQ1 3DR

Supporting Officer Contact Details: Garth Millard, Asset Disposals – TDA,
Tel: 01803 207805 or email garth.millard@tedcltd.com

1. Purpose and Introduction.

- 1.1. To make individual recommendations relating to the disposal of 10 unused assets to achieve capital receipts and cost savings.

2. Proposed Decision

- 2.1 That the Mayor be recommended:

2.1.1. That the Mayor considers any feedback received before the 16 April 2014 from Ward Members, the Local Access Forum (where appropriate) and the relevant Community Partnerships to the disposal of the 10 Assets listed in Appendix 1 to this report.

2.1.2. That the 10 Assets listed in Appendix 1 be declared no longer required for service delivery and that the Head of Commercial Services be requested to advertise their intended individual disposal in accordance with both the Council's Community Asset Transfer Policy 2008 and where appropriate Section 123(2A) of the Local Government Act 1972.

2.1.3. That, subject to any expressions of interest received from the Community and any objections received to any disposal advertised pursuant to s123 of the Local Government Act 1972 and subject to paragraph 2.3, the assets listed in Appendix 1 be individually disposed on such terms as are acceptable to the Executive Head of Commercial Services in consultation with the Chief Executive of Torbay Development Agency.

2.1.4. That the Executive Head of Commercial Services in consultation with the Chief Executive of the Torbay Development Agency be delegated authority to consider any objections received on the advertisement of any of the proposed disposals pursuant to s123 of the Local Government Act 1972

3. Reason for Decision

- 3.1. Expenditure and repair liability across the Council's assets significantly exceeds available resources.
- 3.2. On behalf of the Council, the Torbay Development Agency (TDA) continues to review the suitability and challenge the present use of assets. Together with Council officers it has considered the assets listed in Appendix 1 with a view to reducing running costs and generate capital receipts. These receipts could then be used to support the Council's approved Capital Programme.
- 3.3. The recommendations take into account any views expressed by the public consultation.
- 3.4. The disposal of assets not required for service delivery will enable the capital receipts to be reinvested into the Council's existing capital programme, which will contribute to the Council's objectives.
- 3.5. The reduction of the number of assets held is seen as an important element to achieving a sustainable maintenance regime for future generations.
- 3.6. At this point it is neither possible nor desirable to publicly quantify the expected total receipt but Members are reminded that the current Capital Investment Plan includes an assumption of a further £3.575m from potential capital receipts which includes a number of specialist sites (e.g Oldway Mansion)
- 3.7. Section 123(2A) of the Local Government Act 1972 states that subject to certain exceptions a council may not dispose of land consisting or forming part of an open space unless before disposing of the land they advertise the disposal for two consecutive weeks in a local newspaper, and consider any objections to the proposed disposal which may be made to them. An open space is defined for the purposes of the Act as being any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground

4. Supporting Information

- 4.1. The Capital Strategy is approved by the Council each year and provides that funding for the Capital Programme will be met in part from asset disposal.
- 4.2. The Corporate Asset Management Plan which is approved by the Council each year provided that the Council would adhere to the following guiding principles in the management of its assets:
 - 4.2.1.1. To continuously maintain and improve assets;
 - 4.2.1.2. To release value and minimise cost by challenging and reviewing the manner and use of assets;
 - 4.2.1.3. To periodically review all assets to identify possible alternative use or disposal;
 - 4.2.1.4. To ensure that disposals are effectively managed; and
 - 4.2.1.5. To monitor running costs to target potential savings.
- 4.3. A number of the proposed disposal sites are deemed to be open space. As such their sale will be advertised in accordance with Section 123(1)(2a) of the Local Government Act 1972. The Council will need to consider any objections prior to their disposal.
- 4.4. Once an asset has been declared surplus then the Community is given an opportunity to lease it through the Council's Community Asset Transfer Policy.
- 4.5. If no community interest is received, or the Council's Community Asset Transfer Panel does not approve the transfer of an asset to the Community then, where appropriate, architects will be instructed to obtain planning consent for alternative uses.
- 4.6. When an asset is considered to be available for sale, either with or without planning consent, an external agent or auctioneer (as deemed appropriate) will be instructed to sell the asset in accordance with Council Standing Orders.

5. Possibilities and Options

- 5.1. The assets could be retained and the repair and maintenance of the properties continued by the Council. In respect of the garages at Alpine Road, 'Hillside' on South Parks Road, and the Former Learning Resource Centre, Old Mill Road, these could potentially be repaired and re-let. The remains of the Old Paignton Windmill, Windmill Lane are a derelict Listed Grade II 'building at risk' and part of the existing buildings at 284/286 Totnes Road are required by Highways for future road improvements at Tweenaway Cross. The Council has no domestic use for the Higher Lodge, Cockington. It is not anticipated that the remaining properties would be able to achieve any other than a nominal rental income for the Council.
- 5.2. If the assets are retained then the anticipated capital receipt will be lost, and the cost of initial repair and/or replacement of the properties and future maintenance, will remain the responsibility of the Council. In respect of the garages in particular should the Council choose to retain them the cost of managing the properties could be relatively high compared to the likely income. Therefore the cost to the Council of repairing these to enable them to be let could take some time to recoup. In respect of The Old Windmill, substantial Council resources would be required to repair or retain the 'status quo'.

6. Equal Opportunities

- 6.1. An Equality Impact Assessment has been published in respect of these proposals and is attached to this report as Appendix 2.

7. Public Services (Social Value) Act 2012

- 7.1. Where deemed appropriate architects will be employed to obtain an alternative planning consent and external agents / auctioneers (as appropriate) will be appointed to effect a disposal.

8. Consultation

- 8.1. Letters including plans of the individual assets have been forwarded to relevant Ward Members and Community Partnerships, and where appropriate, the Secretary for the Torbay Local Access Forum. The Paignton Civic Society has also been consulted in respect of the Old Windmill. Any further comments received prior to the 1st May 2014 in respect of individual assets will be provided to Members separately.

9. Risks

- 9.1. The disposal of assets not required for service delivery has been identified as one of several initiatives to provide additional funding to tackle the urgent land and building backlog maintenance liability and provide receipts for the Capital Programme. Inevitably, there may be some objections to the disposal of some of the assets identified. Failure to consult adequately may lead to abortive disposal work should some of the disposals not proceed. This risk has been mitigated by consulting adequately and by advertising prior to any marketing taking place.

10. Appendices

- 10.1. Appendix 1 Schedule of assets to be declared surplus.
- 10.2. Appendix 2 Equalities Impact Assessment
- 10.3. Appendix 3 EM2240 - The Old Windmill & adjoining land, Windmill Lane, Paignton
- 10.4. Appendix 4 EM1910c – "Higher Lodge", Cockington, Torquay
- 10.5. Appendix 5 EM2388 – Land at Loxbury Rd & Vicarage Hill, Torquay
- 10.6. Appendix 6 EM1680 – Land & unused garages adj. Alpine Road, Torquay
- 10.7. Appendix 7 EM2390 – "Hillside", Former Children's Home, South Parks Rd, Torquay

- 10.8. Appendix 8 EM1815 - Former Learning Resource Centre, 21 Old Mill Rd, Torquay
- 10.9. Appendix 9 EM2389 – Glebeland playground, adjoining 7 Glebeland Way, torquay
- 10.10. Appendix 10 EM133 – Land r/o 64-70 Borough Rd, Paignton
- 10.11. Appendix 11 EM2381 – Land adjacent Colley End Rd, Paignton
- 10.12. Appendix 12 EM2354 – 286-288 Totnes Rd, Paignton

11. Additional Information

- 11.1. None

Appendix 1

Asset Reference	Asset Name	Plan Ref	Approx Area	Description	Recommendation
P0996 & P0957	The Old Windmill & adjoining land, Windmill Lane, Paignton.	EM2240a	635 sq.m. (0.157 acres)	A derelict listed (Grade II) old windmill tower with adjoining land.	Not required for service delivery To be sold with planning permission for single residential use
T0026AF	"Higher Lodge" Cockington.	EM1910c	870 sq.m. (0.22 acres)	A small vacant 3 bed detached thatched cottage with gardens & parking.	Not required for service delivery
T0288ZZ	Land at Loxbury Road & Vicarage Hill, Torquay	EM2388	3,560 sq.m. (0.880 acres)	An area of largely unused amenity back land.	Not required for service delivery
T1061	Land and unused garages adj Alpine Road, Torquay.	EM1680	2,623 sq.m. (0.65 acres)	6 mostly unused semi derelict garages and adjoining land excluded from land previously deemed surplus by Members	Not required for service delivery The land to be sold with planning permission for 3 dwellings.
T1053ZZ, T3029, T3041	"Hillside", Former Children's Home & adjoining land, South Parks Road, Torquay	EM2390	9530sq.m. (2.36 acres)	Former children's home with adjoining inaccessible rough scrubland.	Not required for service delivery
T3038	Former Learning Resource Centre 21 Old Mill Road Torquay	EM1815	2381 sq.m. (0.59 acres)	Former school building and land. Used recently as offices & store	Not required for service delivery
T0955	Glebeland playground	EM2389	380 sq.m. (0.094)	Former playground.	Not required for service delivery

P0168A	adjoining 7 Glebeland Way, Torquay. Land r/o 64 – 70 Borough Road, Paignton.	EM133	1300 sq.m. (0.32 acres)	An area of largely unused amenity backland.	Not required for service delivery
P1081	Land betixt 90-94 Colley End Road, Paignton	EM2381	180 sq.m. (0.04 acres)	An area of largely unused amenity backland.	Not required for service delivery
P1072, P1073	286 & 288 Totnes Road Paignton	EM2354	1248 sq.m. (0.308 acres)	A pair of semi detached residential buildings & land, originally acquired for road widening.	Part of site not required for service delivery Part retain land for future road improvements with the remainder to be sold with planning permission for residential use

Equality Impact Assessment (EIA):

Name of Report/Proposal/Strategy:	Proposed Disposal of Surplus Assets
Name (Key Officer/Author):	Garth Millard
Position:	Asset Disposals
Date:	2 nd April 2014
Business Unit:	T.D.A
Tel:	01803 207805
Email:	Garth.millard@tedcfd.com

Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

	Does this report relate to a key decision?	Yx <input type="checkbox"/>	N <input type="checkbox"/>
1)		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2)	<p>Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following:</p> <ul style="list-style-type: none"> • The Community (including specific impacts upon the vulnerable or equality groups) • Our Partners • The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision) 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	Clearly set out the purpose of the proposal	<p>That 10 Council Real Estate Assets be declared no longer required for service delivery and that subject to any expressions of interest received under the Council's agreed Community Asset Transfer the Assets be individually disposed in due course. All assets are either vacant or previous Council services have been discontinued. In the case of the playground off Glebeland Way the play equipment currently on site is to be relocated to the Exe Hill Playground.</p> <p>The assets are:</p> <ul style="list-style-type: none"> • The Old Paignton Windmill & adjoining land, Windmill Lane, Paignton. • "Higher Lodge", Cockington village, Torquay. • Land at Loxbury Road & Vicarage Hill Road, Paignton. • Land & unused garages at Alpine Road, Torquay. • "Hillside", Former South Parks Children's Home, & adjoining land, South Parks Road, Torquay. • Land rear of 64 - 70 Borough Road, Paignton. • Former Learning Resource Centre, Old Mill Road, Torquay. • Land betwixt 92 – 94 Colley End Road, Paignton. • Former Playground off Glebeland Way, Torquay. • 284/286 Totnes Road, Paignton.
2.	Who is intended to benefit / who will be affected?	<p>The disposal of assets not required for service delivery will enable the capital receipts to be reinvested into the Council's existing capital programme, and save ongoing repair and maintenance costs which will contribute to the Council's objectives and therefore benefiting the residents of Torbay.</p>
3.	What is the intended outcome?	<p>That 10 Council Real Estate Assets be declared no longer required for service delivery, and subject to any Expressions of Interest under the Council's Community Asset Transfer Policy 2008, and other representations received, the disposal of the assets be progressed to supply the Council with a Capital receipt.</p>

Section 2: Equalities, consultation and engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The equalities, consultation and engagement section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

Evidence, consultation and engagement

No	Question	Details
4.	Have you considered the available evidence?	<p>The effective use of assets is a key factor in delivering to the community of Torbay and the objectives and priorities they have set for the Council.</p> <p>The Councils Corporate Asset Management Plan (CAMP) 2013-2017 sets out the strategies to achieve the most efficient use of assets.</p> <p>The principle aim of the CAMP is to ensure that the opportunity cost of financial resources tied up in land and buildings is minimised, and that capital and revenue expenditure on the portfolio is directed efficiently and effectively to provide value for money.</p>

No	Question	Details
5.	How have you consulted on the proposal?	<p>Letters including plans of the individual assets have been forwarded to every Ward Councillor and Chairs of Community Partnerships, seeking any comments or observations on the proposals.</p> <p>The Wards and Community Partnerships affected are:</p> <ul style="list-style-type: none"> • Cockington with Chelston • Preston • Ellacombe • Shiphay & The Willows • Blatchcombe • Clifton with Maidenway <p>The Secretary for the Torbay Local Access Forum has been sent individual plans, seeking any comments or observations on the proposals in respect of the following proposed disposals;</p> <ul style="list-style-type: none"> • The Old Paignton Windmill & adjoining land, Windmill Lane, Paignton • Land at Loxbury Road & Vicarage Hill Road, Paignton. • Land & unused garages at Alpine Road, Torquay. • “Hillside”, Former South Parks Children’s Home, & adjoining land, South Parks Road, Torquay. • Land rear of 64 - 70 Borough Road, Paignton. • Land betwixt 92 – 94 Colley End Road, Paignton. • Former Playground off Glebeland Way, Torquay. <p>The Secretary to the Paignton Conservation Society has also been consulted in respect of the Old Windmill, Windmill Lane, Paignton, as being a listed (Grade II) building in need of repair, they have expressed an interested in its future. Their views have been considered and we understand they are in favour of the proposals as this will secure the future of the building.</p> <p>If the proposals are agreed by the Mayor, Notices, and advertisements in the local paper, will be posted under Section 123(1)(2a) of the Local Government Act 1972, and any representations considered by the Mayor.</p>

No	Question	Details
6.	Outline the key findings	Any comments or observations on the proposals received will be reported to Members in an additional briefing document for consideration at the meeting on 1st May 2014.
7.	What amendments may be required as a result of the consultation?	In reaching a decision on the proposals, the Mayor will consider any comments or observations received and if appropriate amend the proposals.

Positive and negative equality impacts

No	Question	Details						
8.	Identify the potential positive and negative impacts on specific groups	Consideration of any impact on specific groups has been considered and is reported below.						
	All groups in society generally	<table border="1"> <thead> <tr> <th>Positive Impact</th> <th>Negative Impact</th> <th>Neutral Impact</th> </tr> </thead> <tbody> <tr> <td>Capital receipt to help fund the agreed Capital Plan. Reduction of Council maintenance costs. Improved use of underused Council resources. Improved visual amenity. Provision of Community space.</td> <td>Limited loss of open amenity area</td> <td></td> </tr> </tbody> </table>	Positive Impact	Negative Impact	Neutral Impact	Capital receipt to help fund the agreed Capital Plan. Reduction of Council maintenance costs. Improved use of underused Council resources. Improved visual amenity. Provision of Community space.	Limited loss of open amenity area	
Positive Impact	Negative Impact	Neutral Impact						
Capital receipt to help fund the agreed Capital Plan. Reduction of Council maintenance costs. Improved use of underused Council resources. Improved visual amenity. Provision of Community space.	Limited loss of open amenity area							
	Older or younger people	There is no differential impact on Older or younger people with regard to this proposal.						
	People with caring responsibilities	There is no differential impact on People with caring responsibilities with regard to this proposal.						
	People with a disability	Although there is no differential						
		There is no direct differential impact						

No	Question	Details
	impact on people with a disability, where appropriate, the Secretary for the Torbay Local Access Forum has been sent individual plans, seeking any comments or observations on the proposals.	on People with a disability with regard to this proposal.
Women or men		There is no differential impact on Women or men with regard to this proposal.
People who are black or from a minority ethnic background (BME)		There is no differential impact on People who are black or from a minority ethnic background (BME) with regard to this proposal.
Religion or belief (including lack of belief)		There is no differential impact on Religion or belief (including lack of belief) with regard to this proposal.
People who are lesbian, gay or bisexual		There is no differential impact on People who are lesbian, gay or bisexual with regard to this proposal.
People who are transgendered		There is no differential impact on People who are transgendered with regard to this proposal.
People who are in a marriage or civil partnership		There is no differential impact on People who are in a marriage or civil partnership with regard to this proposal.
Women who are pregnant / on maternity leave		There is no differential impact on Women who are pregnant / on maternity leave with regard to this proposal.
Socio-economic impacts	The 10 Council Real Estate Assets	

No	Question	Details
	(including impact on child poverty issues and deprivation)	<p>that are being declared no longer required for service delivery will be subject to expressions of Interest under the Council's Community Asset Transfer Policy 2008. The disposal of assets will enable the capital receipts to be reinvested into the Council's existing capital programme, which will contribute to the Council's objectives and therefore benefiting the residents of Torbay.</p> <p>There is also a link to the future use of these sites being used to improve the visual amenity of some of the assets and will therefore enhance the value to the community and assist in social cohesion.</p>
9. 6	Is there scope for your proposal to eliminate discrimination, promote equality of opportunity and / or foster good relations?	It is considered that the improvement of the visual amenity of some of these assets will enhance the value to the Community.

Section 3: Steps required to manage the potential impacts identified

No	Action	Details
10.	Summarise any positive impacts and how they will be realised most effectively?	It is considered that the improvement of the visual amenity of some of these assets will enhance the value to the Community, provide new needed new units, and in one instance safeguard the future of a prominent 'at risk' Grade II structure.

		The receipt of a Capital sum if assets are sold will assist in the provision of agreed expenditure under the Capital Plan.
11.	Summarise any negative impacts and how these will be managed?	Limited loss of amenity land, currently either inaccessible or rarely used.

Section 4: Recommended course of action

No	Action	Details
12.	State a recommended course of action [please refer to action after section 5]	Outcome 1: No major change required - EIA has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken.

Section 5: Monitoring and action plan

No	Action	Details
13	Outline plans to monitor the actual impact of your proposals	The proposal is only to obtain approval from the Mayor to confirm the assets are no longer required for service delivery. If agreed, there will be ongoing discussions with Community Partnerships and Third Parties to ensure there is no negative impact to these proposals.

Please use the action plan below to summarise all of the key actions, responsible officers and timescales as a result of this impact assessment

Action plan

Please detail below any actions you need to take:

No.	Action	Reason for action / contingency	Resources	Responsibility	Deadline date
1	Receive, and consider any objections	To ensure all interested	TDA		16 th April 2014

	comments and observations from Consultees.	parties' views are considered prior to consideration of Report.			
2	If proposal agreed, to ensure 'Expressions of Interest' are sought under the Councils Community Asset Transfer protocol.	To comply with the Council's agreed Community Asset Transfer protocol.	TDA		28 th May 2014
3	If proposal agreed, to ensure the proposed disposal of any public open space is advertised in accordance with Section 123(1)(2a) of The Local Government Act 1972, and to report any objections to the Mayor for consideration.	To comply with Statute requirements	TDA		30 th May 2014

Agenda Item 7

Appendix 3

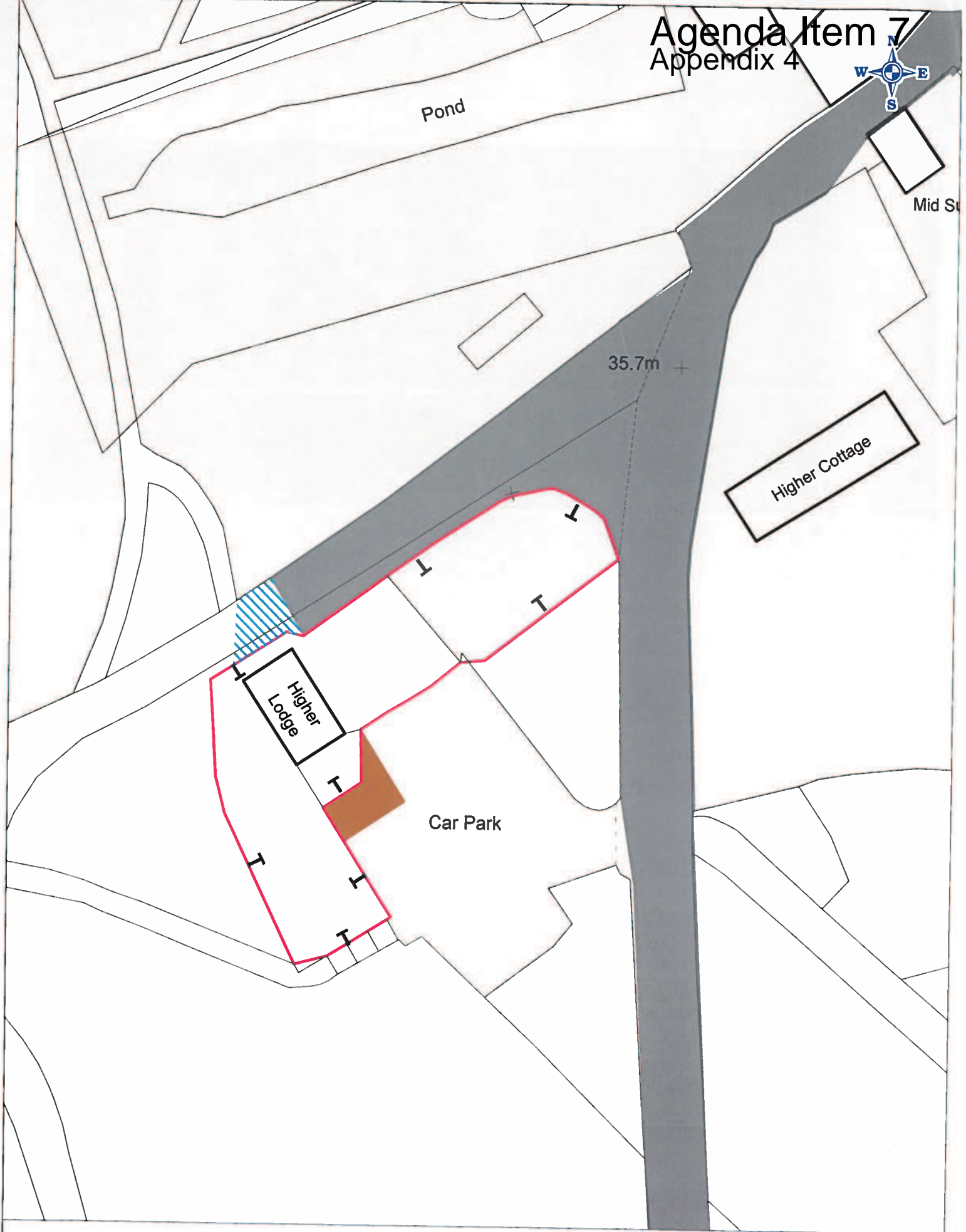


EM Plan No: EM2240a
Date: 17th March 2012
Title: Paignton Windmill, Windmill Lane, Paignton.

Asset No: P0996 & P0957
LR Title No: DN9381
Scale: 1:500
Area: 635.2m²

TORBAY DEVELOPMENT AGENCY - ASSET MANAGEMENT
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Title: Cockington Lodge, Torquay

EM Plan No: EM1910c

Asset No: T0026AF

Date: 27th September 2010

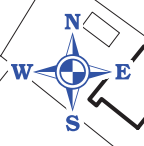
Scale: 1:500

FINANCE DIRECTORATE - ESTATES SERVICE



Agenda Item 7

Appendix 5



EM Plan No: EM2388
Date: 3rd February 2014
Title: Land at Vicarage Hill, Torquay

Asset No: T0288ZZ
LR Title No: DN519961
Scale: 1:1250
Area: 3,561.5m²





Title: Braddons Street Playground - DISUSED, Torquay.

Plan No: EM1680

Date: 27th November 2012

Scale: 1:1250

Asset: T0395ZZ & T0161

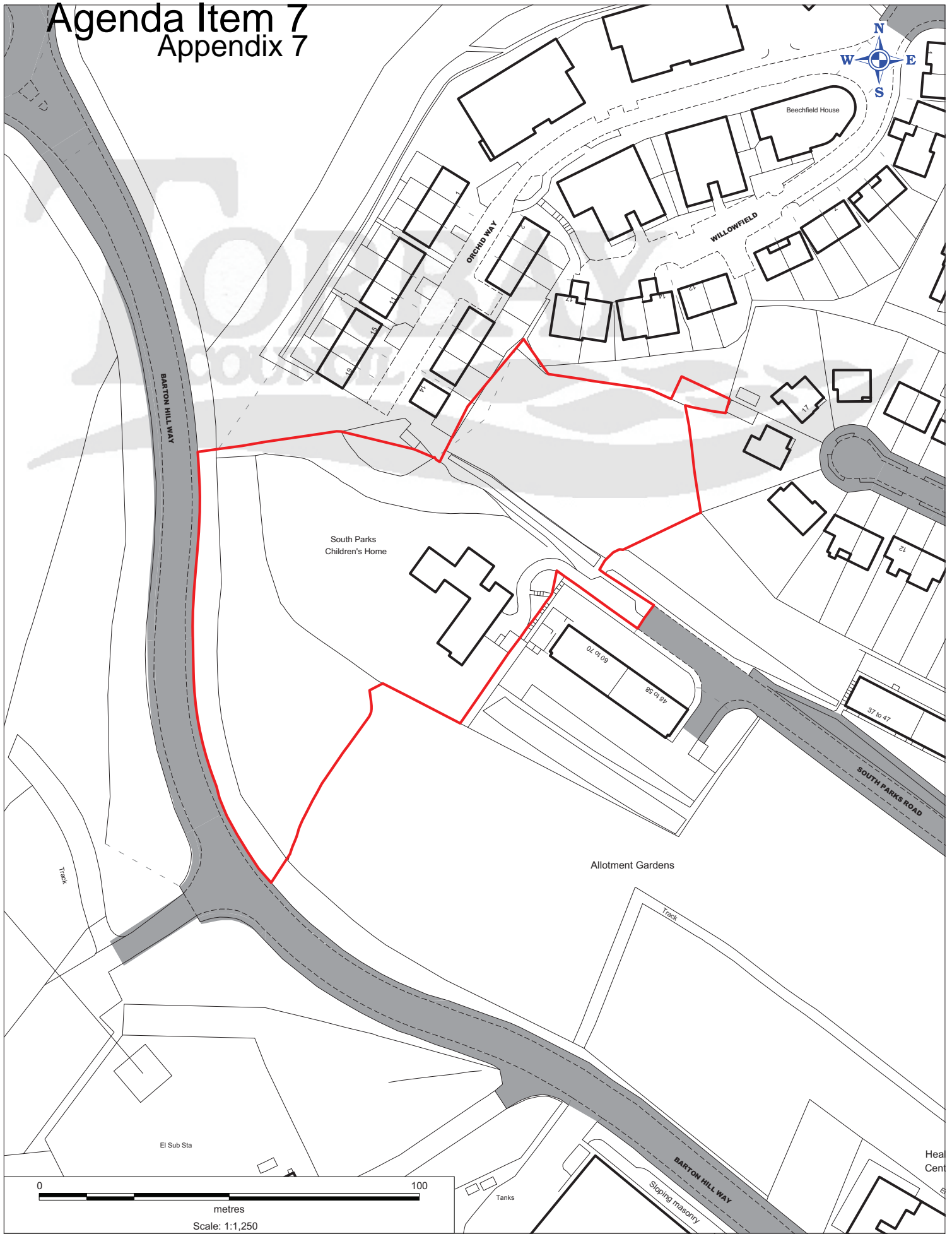
LR Title: DN433042

Deeds: G.14

Area: 2,622.86m²



Agenda Item 7 Appendix 7

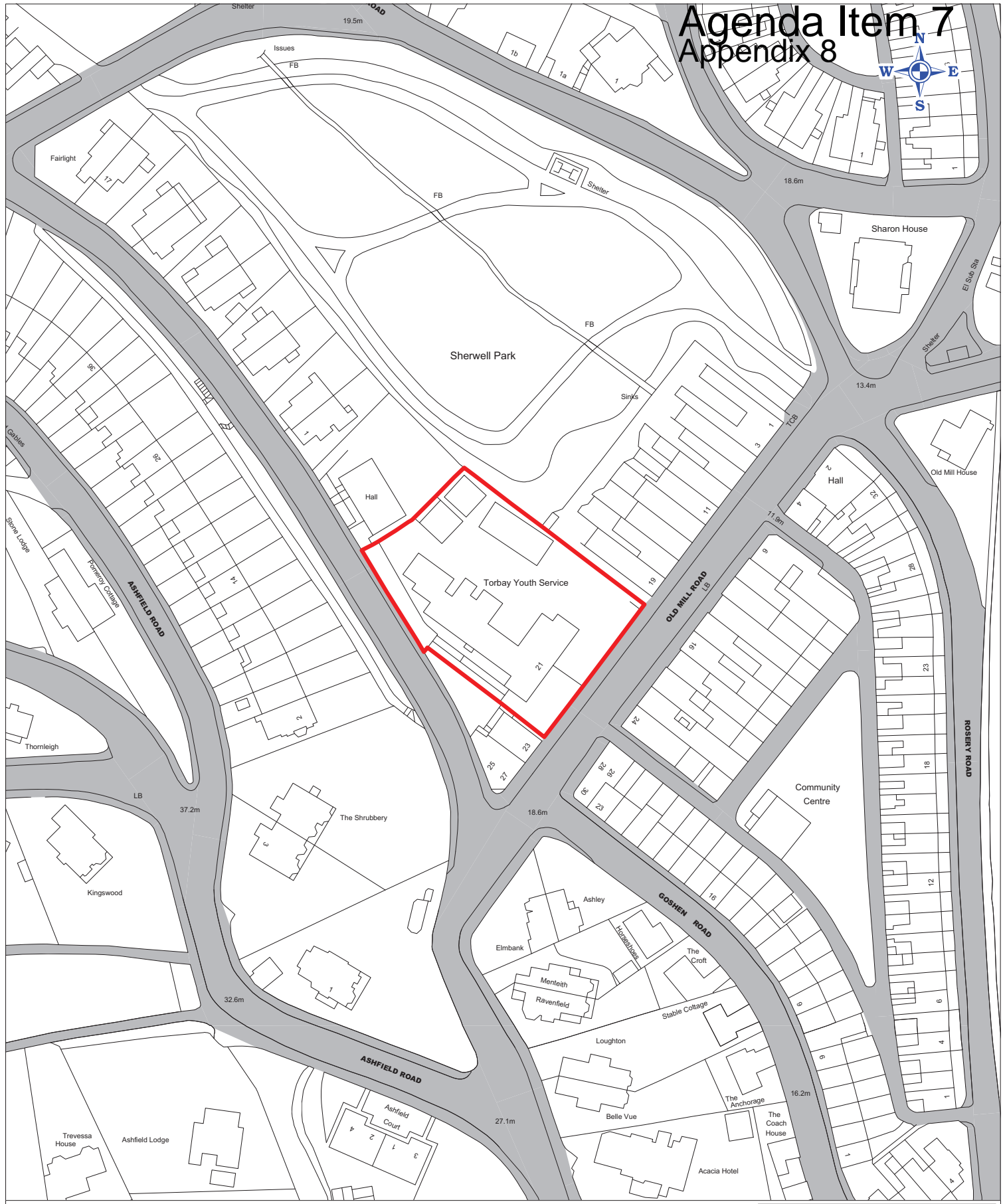


EM Plan No: EM2390
Date: 3rd February 2014
Title: South Parks Children Home, Torquay

Asset No: T1053ZZ, T3029 & T3041
LR Title No: DN537137 & DN520459
Scale: 1:1250
Area: 9,530.5m²



Agenda Item 7 Appendix 8



Title: Former Learning Resource Centre
Plan No: EM1815
Date: 15th October 2007
Scale: 1:1250
Asset: T3038
LR Title: DN520228
Deeds: TF 192
Area: 2,380.81m²



Agenda Item 7 Appendix 9

64.3m



EM Plan No: EM2389
Date: 3rd February 2014
Title: Glebeland Playground, Torquay

Asset No: T0955
LR Title No: DN291725
Scale: 1:1250
Area: 381.3m²

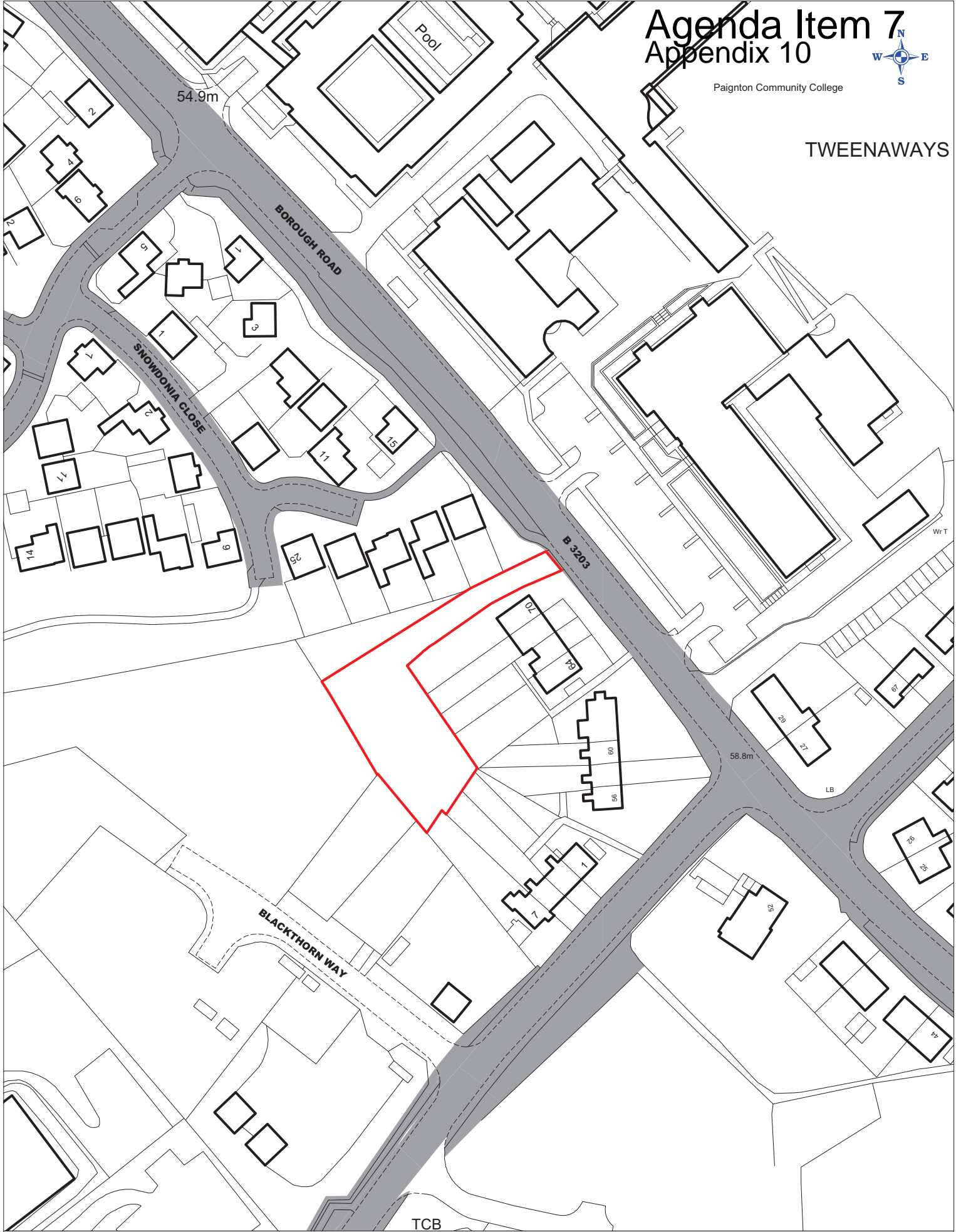


Agenda Item 7 Appendix 10



Paignton Community College

TWEENAWAYS



Title: Land R/O 70 Borough Road, Paignton

EM Plan No: EM133

Asset No: P0168A

Date: 8th December 2004

FINANCE DIRECTORATE - ESTATES SERVICE

Page 29 scale: 1:1250



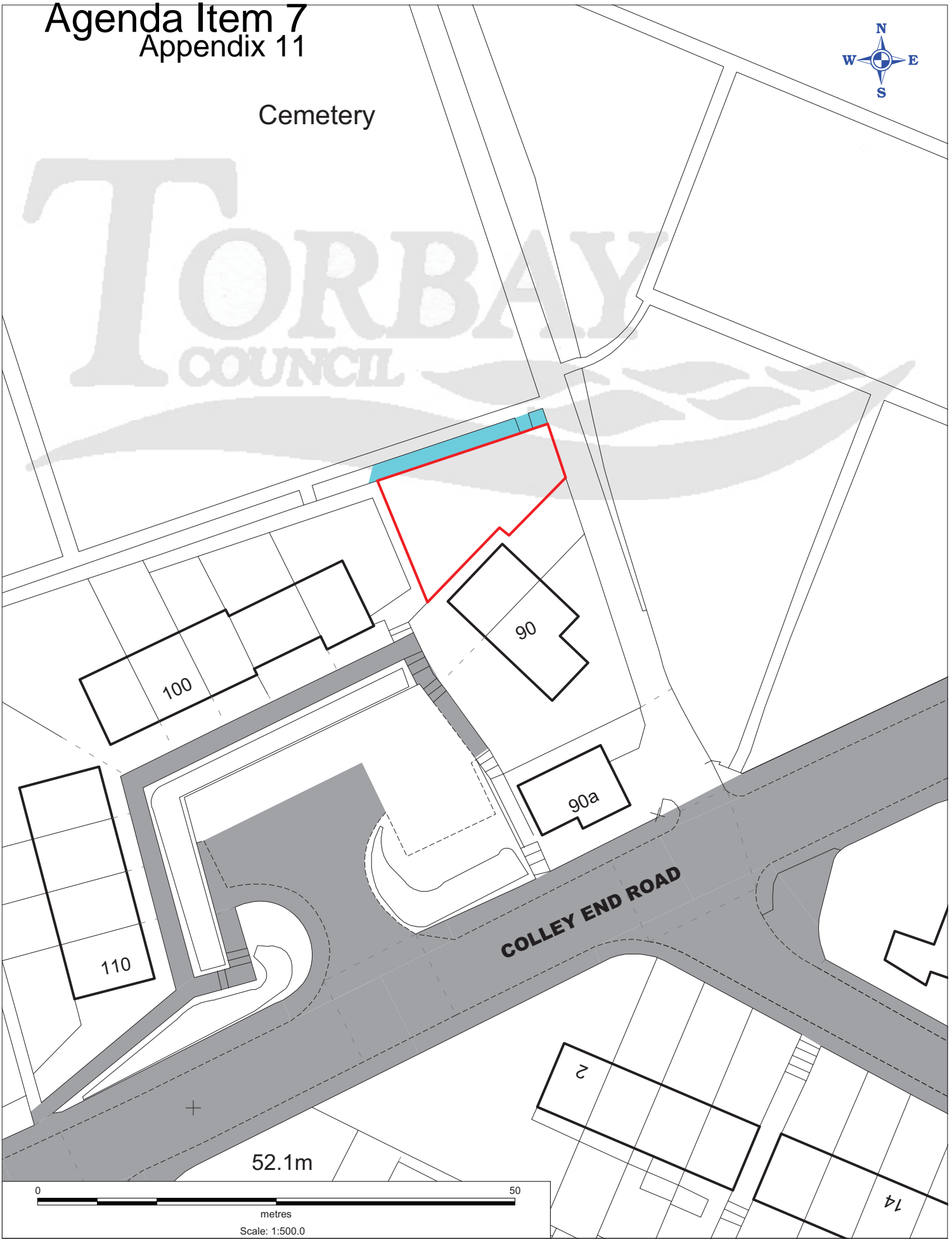
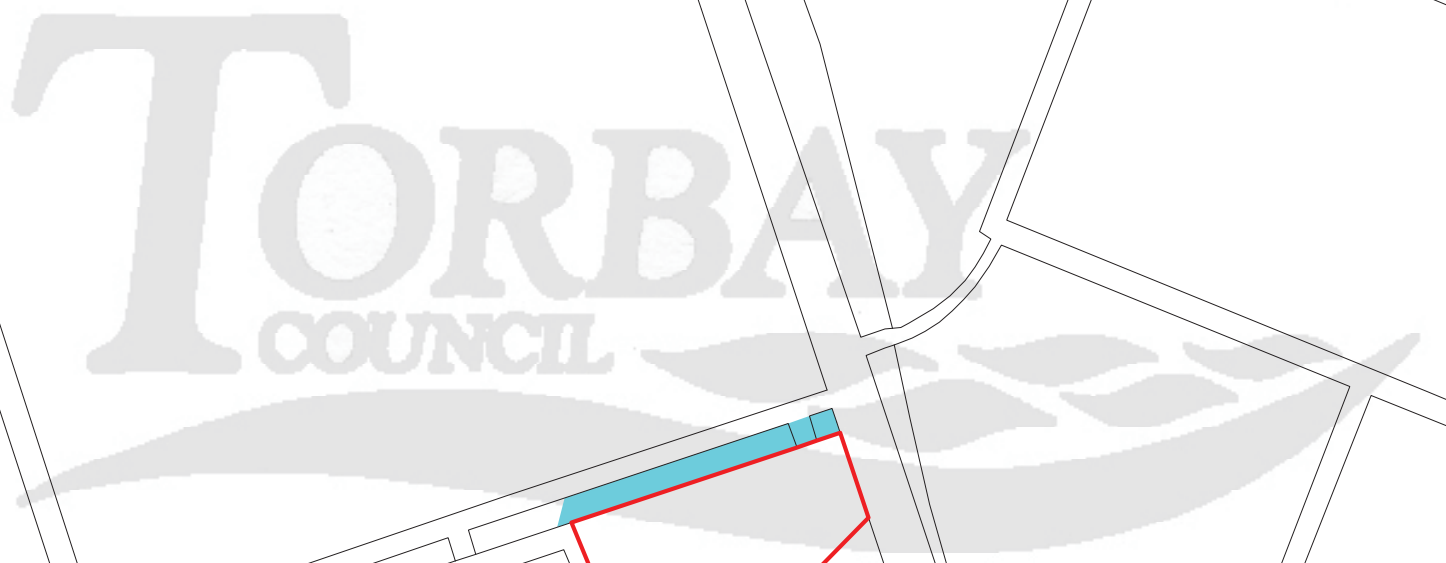
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Agenda Item 7

Appendix 11



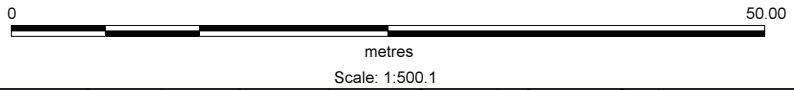
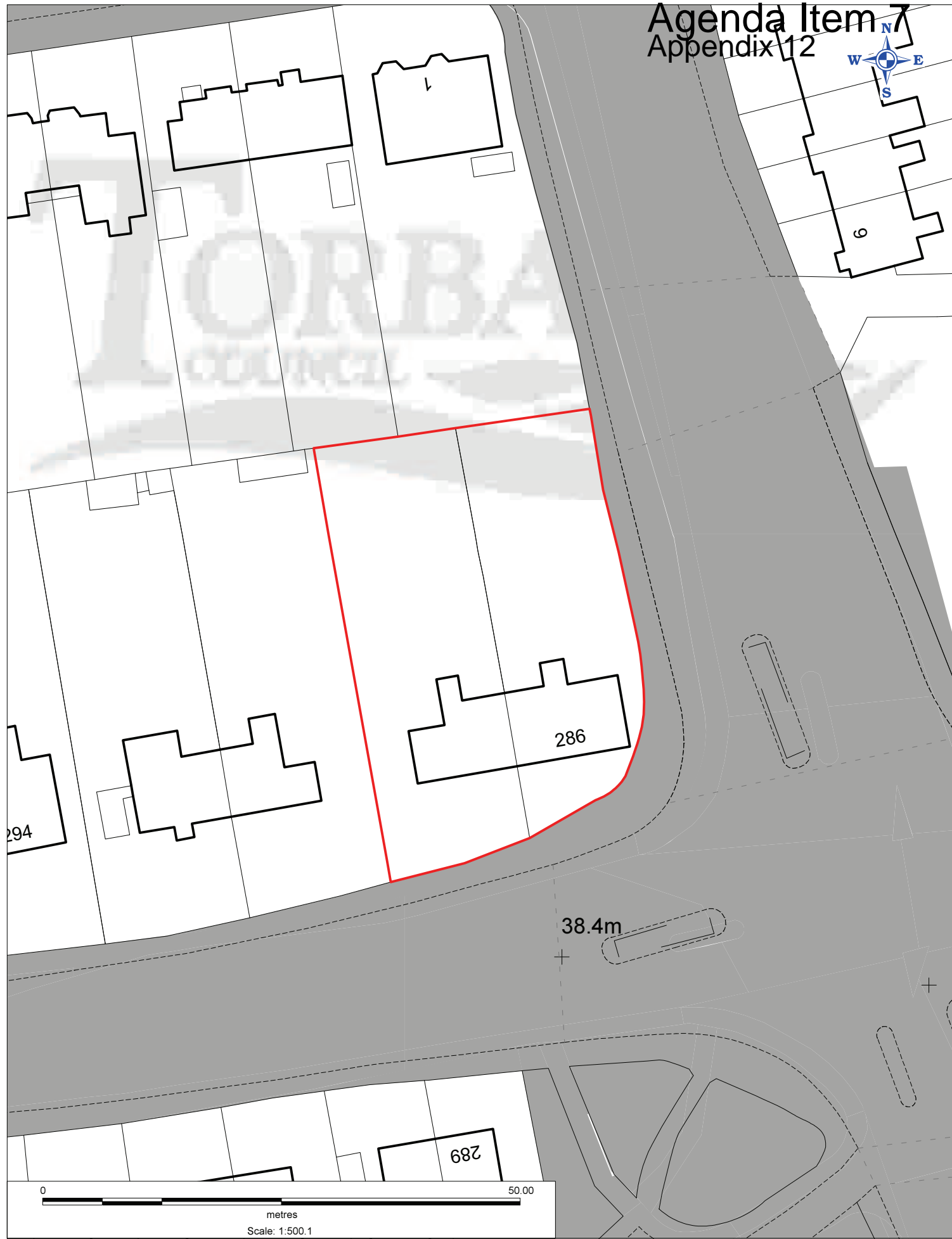
Cemetery



EM Plan No: EM2381
Date: 14th January 2014
Title: Land between 92 - 94 Colley End Road, Paignton

Asset No: P1081
LR Title No: DN564315
Scale: 1:500
Area: 178.9m²





EM Plan No: EM2354
Date: 16th October 2013
Title: 286 & 289 Totnes Road, Paignton

Asset No: P1072 & P1073
LR Title No: DN59588
Scale: 1:500
Area: 1,248.43m²



Internal Audit

Extension of the Devon Audit Partnership and Partnering with the Police

February 2014

Auditing for achievement

Page 32

1. Introduction

- 1.1 Devon Audit Partnership (DAP) was created in April 2009; it was originally created for a period of 3 years, with the option to extend for a further 2 years. This option to extend was agreed, and the Partnership is now in its 5th year.
- 1.2 In 2009 an option appraisal was conducted as to the most effective way the three councils (Devon, Torbay and Plymouth) could deliver their internal audit function; a Partnership arrangement between Devon, Torbay and Plymouth councils was seen as the preferred option to deliver these objectives. This delivery option identified a number of key benefits which have also been secured **see appendix A.**
- 1.3 The original business case (April 2009) presented to the Partnership Committee and endorsed by the Management Board set out the objectives of the Partnership. These objectives have been achieved, with some notable added benefits. **Please see appendix B.**
- 1.4 The Partnership has proved to be most successful in meeting the original objectives. However, since 2009 the financial picture facing local authorities has seen significant change, with all local authorities facing severe financial pressures. The Partnership arrangement was challenged to make significant financial savings whilst still providing a high quality, robust, independent, assurance function.
- 1.5 The original budget that was allocated to the Partnership has been reduced; (by 5% in each of the first 3 years, and by 10% in the following 2 years) the Partnership has made these savings and has continued to provide a high quality service, partly through successfully attracting other clients from within the public sector.

2 Extending the Partnership for a further 3 years (April 2014 to March 2017)

- 2.1 It is proposed that the Partnership be extended for a further 3 years (from April 2014 to March 2017) and that a Deed of Variation (attached) be agreed between the Partners to permit this. This Deed of Variation recognises the continuing financial crisis affecting the public sector, and reflects that values paid to the Partnership will reduce by 10% in each of the next 3 years.
- 2.2 The financial targets set for the Partnership will be difficult to achieve, and can only be achieved through continued modernisation of working practices and through effective wider partnership working.

3 Extending the Partnership by admitting the Office of the Police and Crime Commissioner for Devon and Cornwall (OPCC).

- 3.1 It is recognised that the achievement of the objectives and benefits of the Partnership to the Partnership Members is strongly linked to, and driven by, an effective employee base and staff skill mix from this base. The maintenance of the size of the work base is a balance supported strongly by investment made by *external* partners; this helps maintain skill levels, supports sharing of best practice and maintains flexibility. This can be seen from the achievements and added benefits within the two appendices A and B.
- 3.2 In order to continue to achieve the objectives set, and in particular to **provide a quality audit service that is sustainable, achieving continuous improvement within the revised financial envelope offered by the Partners**, Partnership management identified that other, external partners, should be beneficial in generating income that would replace some (if not all) of the budget reductions made by the Partners. Such income generation would then allow the experienced, effective, knowledgeable and valued workforce to be retained, providing a high quality and sustainable service.
- 3.3 Devon Audit Partnership has worked with colleagues at the Police (OPCC and Devon and Cornwall Constabulary) for many years, and this has been by way of a Service Level Agreement (SLA).

Colleagues at the Police are now looking to join the partnership in a more formal way. Senior officers of the OPCC and Constabulary have met with DAP and Devon County Council officers to discuss how “partnership” working could be developed to the benefit of all. However, the current Partnership Agreement only allows for local government organisations to become partners; as a consequence a Deed of Variation has been prepared that allows “other public bodies” to join.

- 3.4 The Deed of Variation states the “OPCC shall be entitled to appoint a co-opted non-voting member to the Partnership” It is important to note that the Police will become a non- voting member of the Partnership. (For purposes of this agreement the OPCC shall act for and on behalf of the Constabulary and OPCC).
- 3.5 It is considered that the OPCC joining as a partner will enable DAP to widen horizons and become a “public sector” internal audit provider and not just deliver within local government.
- 3.6 The non-financial benefits of the arrangement should be very highly considered. The arrangement will enable audit staff to learn from the Police and to share (confidentially of course) practices that will assist the Partners.
- 3.7 Having a “flagship” organisation joining DAP will help to further develop the Partnership and, potentially, promote the provision of services to other organisations, making further financial returns. Any financial “surplus” from this work will increase the overall DAP year end surplus for use by the Partners and Partnership Committee as it sees fit.
- 3.8 The success of the arrangement will demonstrate that Local Authorities and Blue Light Services can effectively work together and could / should open the way for other such sharing arrangements. By allowing the OPCC to join the Partnership will also save on the costs of possible tendering exercises.
- 3.9 The Deed of Variation:-
 1. Permits the OPCC to join as a non-voting member of the Partnership
 2. Will help further strengthen ties, and demonstrate effective partnership working between the OPCC and Devon, Torbay and Plymouth councils;
 3. Permits the Police to attend the DAP Management board
 4. Permits the OPCC to attend the DAP Partnership Committee – this will be as a non-voting member.

4. Recommendations

That the Mayor be recommended:

- 4.1 That each Partnership authority approve the extension of the partnership for a further 3 years (April 2014 to March 2017) and that the submitted Deed of Variation be approved;**
- 4.2 That the membership of the Partnership be extended to include the Police and Crime Commissioner for Devon and Cornwall (OPCC).**

5 Other information

- 5.1 It may be helpful to restate the governance arrangements for DAP
 - Management Team - DAP has a Management Team that consists of the Head of Partnership, Deputy Head and 5 Audit Managers. We meet (briefly, by way of conference call) on a weekly basis to discuss operational matters. On a monthly basis we have a face to face meeting where wider issues affecting the Partnership will be considered. We discuss the pro / cons, risks / opportunities of various issues and determine if this is something that would be beneficial to the Partnership. We then provide information for the;

- Partnership Board. The Board consists of the S151 officers from Plymouth, Devon and Torbay councils plus the Head of Partnership and meets 3 times per year to discuss Partnership Performance and direction, consider new opportunities and how these will be of benefit to the Partnership. The OPCC will be invited to join this Board.
- Partnership Committee. The committee receives reports on the performance of the partnership and will be asked to consider / approve key issues, especially where these may require a change to the Partnership agreement (for example admitting a non local authority partner to the Partnership). The OPCC will be invited to join this Board as a non-voting member.

6. Conclusion

- 6.1 The Partnership has performed very well in the first 5 years of its life; a three year extension is seen as appropriate to continue with the provision of a high quality and cost effective internal audit service. The proposed Deed of Variation will enable this extension to take place.
- 6.2 The proposal for the OPCC to join the Partnership is supported and makes good “business sense” the proposed Deed of Variation will enable the OPCC to join the Partnership, but as a non-voting member.

Robert Hutchins
Devon Audit Partnership
March 2014.

DAP – Service Delivery Option Benefits

An option appraisal was conducted, and a Partnership arrangement between Devon, Torbay and Plymouth Councils was seen as the preferred option to deliver these objectives. This delivery option identified the following benefits:

Delivery Option Benefits	Achievement	Example Added benefits
<ul style="list-style-type: none"> a staff resource that can be deployed more flexibly, with better ability to cope with vacancies and / or ad hoc work; 	<p>Staff vacancies have been minimised Staff work across all sites to deliver work; specialisms developed in key areas. Irregularity investigations have been met promptly. Maintenance of “pool / contract staff” increases flexibility of working and wider skill set.</p>	<p>Staff have come forward to request change for self development. Staff loss has been reduced through flexible working. Wider skill set from pool staff has improved quality in delivery against ICT, People and Key financial systems</p>
<ul style="list-style-type: none"> enabling the risk of vacancies to be better managed; 	<p>Service contraction by Member Partners has been significantly offset by expansion of external client work. Target reduction of 10% for 2014/15 (potential loss of 4 staff) has been offset by extension of contracts from Police, Torridge, Fire and grant work. Maintenance of “pool / contract staff” reduces possible redundancy costs</p>	<p>Working practice of staff is less fearful of change because the work base is more constant.</p>
<ul style="list-style-type: none"> the opportunity to share operational knowledge to assist in the reduction of average costs per audit day; 	<p>Managers and staff work across Member Partners. Consistent Method of delivery has reduced cost of audit time. Efficiency has improved with consistent programme delivery across clients e.g. schools. Day rates have reduced significantly for some Members.</p>	<p>We remain considerably less expensive than our key private competitors.</p>
<ul style="list-style-type: none"> increasing the sharing of best practice and access to a larger pool of specialist knowledge; 	<p>Maintenance of core staff numbers through expansion of wider client base. Maintenance of “pool / contract staff” offers flexibility and employment of specialist staff in ICT, key financial systems and irregularity investigation.</p>	<p>Specialist staff are developing higher level audit programmes for delivery across all clients.</p>
<ul style="list-style-type: none"> economies of scale e.g. training, resourcing specialist skills such as IT and contract audit; 	<p>On site training delivery in for example risk management, procurement and ICT review has afforded training for key parts and sometimes the whole service rather than specific individuals.</p>	<p>Audit review and secondment of staff has been provided by DAP for areas like commissioning</p>
<ul style="list-style-type: none"> keeping unproductive time and travel costs to a minimum; 	<p>Auditor productivity is slightly above the CIPFA benchmark Club Average. Our travel budget is higher than the CIPFA benchmark average but as a rural County it is not significant. Our actual cost is lower this yr than in 2010 yet we have a wider client base.</p>	<p>Our ICT links and on-line audit management system allow cross partner working with reduced travel requirements.</p>

Delivery Option Benefits	Achievement	Example Added benefits
<ul style="list-style-type: none"> providing for flexible deployment if and when necessary, and allowing staff to build up specialist knowledge of the council(s) they are working within; 	<p>We have specialist staff. For example</p> <ul style="list-style-type: none"> 5 skilled ICT auditors, 3 procurement “experts”, dedicated schools auditors including academies, staff developing in ICT, European Grants, ICT Forensic investigation 	
<ul style="list-style-type: none"> providing better opportunities for staff to further careers within the internal audit function; 	<p>Staff loss has been low Internal promotions have been made for 5 staff in the last 18 months. We are seen by and have taken on staff from other internal audit providers as a good employer. Staff have been promoted to other internal audit providers.</p>	<p>Networks with Member Partners have strengthened. Partners are more aware of the quality of staff we have and request additional work or specific work based on that quality.</p>
<ul style="list-style-type: none"> application of common technology and methodology across all teams. 	<p>Standard methodology applies across all Teams for all client work. Our Audit Management system MKI provides consistent working practice</p>	<p>Shared audit programmes and working practice with collaborative audit partners SWAP and Hampshire Shared Audit Services.</p>

DAP – Service Improvement Objectives

On the basis of the strategic context and current state assessment, the group set a list of service improvement objectives. An extract of these objectives includes:

Objective	Achievement	Example Added benefits
<ul style="list-style-type: none"> To improve / or maintain cost effectiveness to be at least the average of CIPFA benchmarked costs; 	<p>CIPFA benchmark data shows that we are improving our number of chargeable days and just above “club average”. Our costs per chargeable day & per auditor are significantly lower than average.</p>	<p>Extended our client base with recognised low cost quality audit.</p>
<ul style="list-style-type: none"> Provision of adequate and suitable training, audit qualifications, continued professional development (CPD) and general updating of skills; 	<p>We currently maintain three staff undertaking professional Institute of Internal Auditors study. CPD is ongoing with over 30 days professional development provided to staff in the last 12 mths. A member of staff professionally trained in ICT Forensics.</p>	<p>Facilitated group training with other Internal audit Service providers that enabled more staff to be trained within budget and improved networks. Provided forensic examination services to wider client base</p>
<ul style="list-style-type: none"> Be responsive to customer needs i.e. tailored service, customer focussed; 	<p>We have year on year tailored the audit plan to meet member needs including annual reductions. Audit plans are focused to the Councils risks, agreed with Service Directors and changed for new priorities in year. Extended service delivery and additional work to all clients.</p>	<p>Other Partner Clients have extended their contracts in in both duration and service level e.g. Fire, National Parks and Police</p>
<ul style="list-style-type: none"> To continue to provide a quality audit service that is sustainable, achieving continuous improvement, in an arrangement that is at least cost-neutral to each authority; 	<p>Our productivity has achieved targets. Customer satisfaction is at 98% Customer service Excellence Accreditation Average day rate has reduced. Standard delivery through MKI audit system</p>	<p>Our audits are recognised by our clients as useful and “add value” (see customer testimonials on our web page).</p>
<ul style="list-style-type: none"> Standardisation of audit procedures; 	<p>All teams and staff work with our standard model through MKI Audit Management System.</p>	<p>Efficiencies with this system have enabled repayment of the pump prime loan to purchase the software.</p>
<ul style="list-style-type: none"> Sharing of Best Practice; 	<p>All staff work to all clients in “cross-service” delivery to share lessons. e.g. Data Protection Compliance, computer security, adult and child care services</p>	<p>Best practice identified at one partner, is shared (with permission) with other partners.</p>
<ul style="list-style-type: none"> To retain a “local” presence that will meet customer expectations; and 	<p>Maintained local offices for all members On-line presence at each Partner</p>	<p>Continuous access by customers is appreciated where regular ongoing advice is sought of Audit as an expert advisor on risk and control e.g. procurement</p>
<ul style="list-style-type: none"> Be responsive to changes in the market place e.g. outsourcing / partnership working by local authorities. 	<p>We have met service contraction requirements of Member Partners. Balanced service contraction with expansion with other Authorities and clients e.g. Torridge District Council, Teignbridge District Council Shared working with South West Audit Partnership</p>	<p>Development of audit programmes through shared extended network of Clients. Improvements on use of MKI audit Management systems from pooled learning.</p>

THIS DEED OF VARIATION is dated

2014

PARTIES

- (1) **DEVON COUNTY COUNCIL** of County Hall, Topsham Road, Exeter, Devon EX2 4QD (“**DCC**”);
 - (2) **PLYMOUTH CITY COUNCIL** of Civic Centre, Plymouth, Devon, PL1 2AA (“**PCC**”);
 - (3) **TORBAY COUNCIL** of the Civic Offices, Castle Circus, Torquay, Devon, TQ1 3DR (“**TC**”).
- (“**the Parties**”).

RECITALS

- (A) The Parties entered into an agreement relating to the Devon Audit Partnership dated 10 June 2009 (“**the Partnership Agreement**”) pursuant to which the Parties agreed to establish and participate in a joint committee to discharge their audit functions (“**the Functions**”). Subsequent to the Partnership Agreement the Parties entered into an agreement dated 25 April 2012 the purpose of which was to extend the duration of the Partnership Agreement to 31 March 2014 and specify the payments each of the Parties would make for the Functions for the financial years 2012/13 and 2013/14.
- (B) As the Partnership Agreement will expire on 31 March 2014 and because the Parties wish to make certain other changes to the Partnership Agreement the Parties have agreed to make the necessary changes by way of this Deed of Variation (“**Deed**”).

AGREED TERMS

1 Interpretation

- 1.1 Unless otherwise stated, defined terms used herein shall have the same meaning, and the interpretation provisions shall be the same, as in the Partnership Agreement. In the event of a conflict between the terms of this Deed and the Partnership Agreement the terms of this Deed shall prevail and the Parties shall join in procuring so far as they are able that the relevant provision of the Partnership Agreement shall be waived, suspended or altered to the extent necessary to permit the Partnership Agreement to be administered in accordance with the provisions of this Deed.
- 1.2 Clause, Schedule and paragraph headings do not affect the interpretation of this Deed.

2 AMENDMENTS TO THE PARTNERSHIP AGREEMENT

- 2.1 Sub-clause 1.2 of the Partnership Agreement shall be amended by adding after the words “Members of the Partnership” the following words:-

“and between them one representative of the Office of the Police and Crime Commissioner and such other representatives from other councils or public

bodies as may, from time to time, be approved in accordance with clause 23”.

- 2.2 Sub-clause 1.3 of the Partnership Agreement shall be amended by adding, in the third line, after the words “(or a duly authorised senior financial representative)” the following words:-

“one representative of the Office of the Police and Crime Commissioner and such other representatives from other councils or public bodies as may, from time to time, be approved in accordance with clause 23”.

- 2.3 For the purposes of clause 8 of the Partnership Agreement the provisions set out in Schedule 1 to this Deed shall apply in respect of the payment contributions by the Councils towards the fees and charges of the Partnership for discharging the Audit Functions for each Council for the financial years 2014/15, 2015/16 and 2016/17. For the avoidance of doubt the provisions of sub-clause 8.6 of the Partnership Agreement shall apply at all times to the sums referred to in paragraphs 4 to 9 inclusive in Schedule 1.

- 2.4 Sub-clause 10.6 shall be amended by deleting, in the third line, the words “by the Audit Commission in their role”.

- 2.5 Sub-clause 15.1 shall be amended by deleting, in the second line, “2012” and inserting “2017”.

- 2.6 Sub-clause 15.5 shall be amended by deleting, in the second line, “2012” and inserting “2017”.

- 2.7 Clause 23 shall be deleted in its entirety and replaced by the following wording:-

“23. Additional Councils and other public bodies joining the Partnership

23.1 Other councils may be invited to join the Partnership and other public bodies may be invited to participate in the Partnership subject in both cases to i) the prior agreement of the Management Board and the Partnership and ii) entering into an agreement with the Partnership containing such terms and conditions as the Partnership shall decide.

23.2 The decision to allow another council to join or other public body to participate in the Partnership shall require the unanimous approval of DCC, PCC and TC both on the Management Board and the Partnership.

23.3 As at 1 April 2014 the Office of the Police and Crime Commissioner shall be entitled to appoint a co-opted non-voting member to the Partnership.

- 2.8 Schedule 1, Part 1, paragraph 2, shall be amended by deleting, in the second line, the word “August” and inserting the word “June”, and in lines 3 and 4 deleting the words “in November or December every” and inserting “prior to March each”.

- 2.9 Schedule 1, Part 1, paragraph 7, shall be amended by inserting after the first sentence a new sentence as follows:-
- “The representative of the Office of Police and Crime Commissioner shall be entitled to speak but not vote at meetings of the Partnership Joint Committee”.
- 2.10 Schedule 1, Part 3, paragraph 1, shall be amended by adding, in line 3, after the word “representative” the words “one representative of the Office of the Police and Crime Commissioner and such other representatives from other councils or public bodies as may, from time to time, be approved in accordance with clause 23”.
- 2.11 Schedule 1, Part 3, paragraph 2, shall be amended by deleting, in line 1, the word “quarterly” and inserting the words “three times per annum”.
- 2.12 Schedule 1, Part 3, paragraph 3, shall be amended by deleting the word “Each” and adding the following words at the beginning of the first sentence “Subject always to paragraph 4 below each”.
- 2.13 Schedule 1, Part 3, in paragraph 4, shall be amended by deleting, in line 2, the words “or annual audit plans are” and insert the word “is”; in lines 2 and 3 by deleting the words “or approval is sought for amendments to either”, and by adding a new sentence “Only the DCC, PCC and TC Board members are entitled to vote on the budget”.
- 2.14 Schedule 1, Part 3, paragraph 6, shall be amended by deleting, in line 1, “[14]” and inserting “7”.
- 2.15 Schedule 1, Part 3, paragraph 7, shall be amended by deleting, in lines 2 and 3, the words “3 with at least one member from each Council” and inserting “2, with those two members to be from any two of the three Councils”.
- 2.16 Schedule 1, Part 4, shall be amended by deleting the following words contained in bullet point 4, “Recommending the audit plans for submission for approval to individual audit committees” and the following words contained in bullet point 5, “Agreeing changes to audit plans that impact upon the Partnership”.
- 2.17 Schedule 2, paragraph 4, shall be amended by deleting, in lines 2 and 3 the words “the CIPFA Code of Practice for Internal Audit in Local Government and the UK” and inserting the words “Public Sector Internal Audit Standards”.

3 Miscellaneous

- 3.1 The Partnership Agreement shall remain fully effective as amended by this Deed.
- 3.2 This Deed may be executed in any number of counterparts, each of which is an original and which together have the same effect as if each party had signed the same document.

- 3.3 No term of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999 by a third party but this does not affect any right or remedy of a third party which exists or is available apart from under that Act.

4 Governing law

- 4.1 This Deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the English law.

IN WITNESS whereof the Councils have caused their respective Common Seals to be hereunto affixed the day and year first before written.

Schedule 1

- 1) For the discharge of the Functions for PCC for the period from the 1st April 2014 until 31st March 2015 PCC shall pay to the Host Council the sum of three hundred and sixty two thousand six hundred pounds (£362,600).
- 2) For the discharge of the functions for TC for the period from the 1st April 2014 until 31st March 2015 TC shall pay to the Host Council the sum of two hundred and seventy thousand four hundred pounds (£270,400).
- 3) For the discharge of the functions for DCC for the period from the 1st April 2014 until 31st March 2015 DCC shall provide funds to the Partnership in the sum of three hundred and fourteen thousand two hundred pounds (£314,200).
- 4) For the discharge of the Functions for PCC for the period from the 1st April 2015 until 31st March 2016 PCC shall pay to the Host Council the sum of three hundred and twenty six thousand three hundred pounds (£326,300).
- 5) For the discharge of the functions for TC for the period from the 1st April 2015 until 31st March 2016 TC shall pay to the Host Council the sum of two hundred and forty three thousand four hundred pounds (£243,400).
- 6) For the discharge of the functions for DCC for the period from the 1st April 2015 until 31st March 2016 DCC shall provide funds to the Partnership in the sum of two hundred and eighty two thousand eight hundred pounds (£282,800).
- 7) For the discharge of the Functions for PCC for the period from the 1st April 2016 until 31st March 2017 PCC shall pay to the Host Council the sum of two hundred and ninety three thousand seven hundred pounds (£293,700).
- 8) For the discharge of the functions for TC for the period from the 1st April 2016 until 31st March 2017 TC shall pay to the Host Council the sum of two hundred and nineteen thousand one hundred pounds (£219,100).
- 9) For the discharge of the functions for DCC for the period from the 1st April 2016 until 31st March 2017 DCC shall provide funds to the Partnership in the sum of two hundred and fifty four thousand five hundred pounds (£254,500).

The provisions of sub-clause 8.6 of the Partnership Agreement shall apply at all times to the sums referred to in paragraphs 4 to 9 inclusive of this Schedule 1.

**THE COMMON SEAL of
DEVON COUNTY COUNCIL**
was hereunto affixed in the presence
of:

.....
Authorised Signatory

**THE COMMON SEAL of
PLYMOUTH CITY COUNCIL**
was hereunto affixed in the presence
of:

.....
Authorised Signatory

**THE COMMON SEAL of
TORBAY COUNCIL**
was hereunto affixed in the presence
of:

.....
Authorised Signatory

Agenda Item 9



Meeting: Adjourned Annual Council

Date: 1 May 2014

Wards Affected: All Wards

Report Title: Careers South West – Changes to Ownership Arrangements

Is the decision a key decision? No

When does the decision need to be implemented? 14 May 2015

Executive Lead Contact Details: Councillor Derek Mills, Executive Lead for Business Planning and Governance, 01803 843412, Derek.mills@torbay.gov.uk

Supporting Officer Contact Details: Anne-Marie Bond, Executive Head Commercial Services, 01803 207016, anne-marie.bond@torbay.gov.uk

1. Purpose and Introduction

1.1 This report sets out a proposal to change the legal arrangements for the operation of Careers South West (CSW). Careers South West Ltd is a company limited by guarantee and is wholly owned and controlled by four local authority corporate Members (referred to as the 'Owners'):

- Cornwall Council
- Devon County Council
- Plymouth City Council
- Torbay Council.

1.2 The success of the company has meant the company is no longer able to work under the Teckal exemption and a review by the owner authorities was required to ensure the appropriate basis for its future working.

2. Proposed Decision

2.1 that the Mayor be recommended to approve the changes to the legal arrangements around the ownership of Careers South West (as set out in paragraph 4.6 to 4.9 of this report) to enable the company to operate more commercially and autonomously on a day to day basis, whilst Cornwall, Devon County, Plymouth City and Torbay Councils continue to retain ownership and authority over the business.

2.2 Reason for Decision

2.2 To enable the Owners to retain authority over the company, as they remain its ongoing guarantors, whilst enabling the Company to operate commercially on a day to day basis. The above recommendation requires approval by the four owners to enable the proposal to proceed.

Supporting Information

4. Position

- 4.1 Careers South West Ltd has over 300 employees and £12.5 million turnover in 2013/14.
- 4.2 The Company manages the delivery and provision of government funded services, primarily in the areas of skills and careers related information, advice and guidance (IAG) services, to young people aged 13-19 and persons of all ages through National Careers Service contracts with the Skills Funding Agency.
- 4.3 The Company was established in 2008 as a Local Authority Controlled Company, awarded work under the Teckal exemption by its owner Local Authorities, but is also capable of bidding for and delivering work for other local and national organisations. The owning Authorities remain guarantors of the company, including guarantee of the company's LGPS pension fund.
- 4.4 Since 2008, the Company has grown and expanded its services, and has won business with a number of new customers. This success means that the company no longer qualifies for Teckal exemption. This situation prompted a review of the Company by the owners to determine the most appropriate basis for its future working.
- 4.5 An options analysis for the Company was carried out from October to December 2013. The analysis proposes that the Company is retained by the owners, but that the operation is commercialised, with terms of the Members Agreement being updated to reflect the ending of the Teckal exemption, and to clarify the ongoing involvement of the Owners and the future working of the Career South West Board.
- 4.6 Commercialising the organisation will require the following actions and changes:
1. Changes to the Company Board structure and operation, to retain an Owners Group of the owning Local Authorities, but make it distinct from the General Board of the company which will run the day to day business;
 2. Review of the operation and reporting of the business to ensure efficiency, and provide accurate and relevant metrics for General Board and Owner Group review; and
 3. Succession planning and management in respect of the CEO and Company Secretary, both of whom are due to retire in 2014-15.
- 4.7 Going forwards, the current Board will be divided into an Owners Group, meeting annually, which retains overall control of the company, and is responsible for:

- Appointing/dismissing the General Board
- Providing strategic leadership
- Approving the annual business plan and budget

4.8 The Owners Group will consist of senior legal advisors or nominated senior managers of the four Owner Authorities, with meetings chaired on their behalf by the Company Chair. The Owner Group will retain step-in power over the Company.

4.9 There would then be a General Board, made up of three Career South West Senior Managers, four observers from Local Authority Owners and four Non-Executive Directors, one of whom will be the Chair. This General Board would meet quarterly, and oversee the day to day business of the company, chaired by the CSW Chairman.

4.10 **Financial Considerations**

4.10.1 Implementation of the Commercialise option will carry the following costs:

Costs to Careers South West:

CSW - one-off £99,113

CSW - on-going £13,220

Costs to the Councils

Cornwall - one-off £5,136

Devon - one-off £5,136

Plymouth - one-off £2,996

Torbay - one-off £1,708

4.10.2 CSW one off costs are for their Transition Project, including a review of the company organisational structure and working and managing succession. CSW costs are already allocated within the Company's 2013-14 operating budget. The ongoing costs are for maintenance of the new CRM system for the company, and have CSW Board approval, subject to business case.

4.10.3 Costs to Local Authorities are costs for management and governance of the project to implement the legal changes within CSW, and run up to end of June 2014.

4.11 **Legal Considerations**

4.11.1 The legal status of the company will remain a company limited by guarantee, wholly owned by the four Local Authorities. However it will not be considered as Teckal exempt and will need to tender for all Authority business.

- 4.11.2 Changes will be required to the current legal documentation and agreements to establish and manage the Owners Group and General Board. These changes will need approval by each of the owner Councils.
- 4.11.3 There are five main legal documents to be reviewed to implement the changes set out above.

The Members Agreement will be amended to update the Definitions to include the Owners Group and General Board, and to include the Scottish Widows Pension scheme alongside the LGPS already referenced. The population counts defined in Agreed Proportions also require updating.

Throughout the document, amendments will be needed to distinguish the operation of the Owner Group from that of the General Board, now that the single body is divided into two distinct groups.

Provision in the Members Agreement for a new member to appointed will be removed.

The Memorandum of Association does not require any changes.

The Articles of Association will require updates to introduce the division of ownership and management into the Owner Group and General Board. Most of the provisions in the current Articles can be retained but amended to refer to the General Board. The exceptions to this are the clauses detailing the appointment and dismissal of Directors and the Deadlock provisions, which are powers retained by the Owner Group. New clauses will be inserted to set out the membership, working and authority of the Owner Group, including General Board Director appointment, dismissal and actions to manage deadlock. The authority of the Owner Group to approval the annual Business Plan and Budget, and the responsibility incumbent on the General Board to provide these to the Owners will also be documented.

The Deed of Guarantee does not require any changes.

The Admission Agreement to participate in the Cornwall Local Government Pension Scheme does not require any changes.

5. Possibilities and Options

- 5.1 The alternatives to commercialising the company's operating basis are to sell or dissolve the company.
- 5.2 Sale or dissolution of the company would present an immediate cost to the Councils in terms of procurement and service transfer (including TUPE) either in-house or to a third party organisation. It could also trigger crystallisation of the pension liability in respect of past service, for which the owning Councils are co-guarantors. 5.3 For reasons of cost, and owing to the impact sale or dissolution would have on service provision and the current employees of the company, these options were rejected under analysis.

5.4 Details of the analysis and basis for these costs are in the Options Analysis Presentation.

6. Fair Decision Making

6.1 Career South West have undertaken an Impact Assessment which is attached at Appendix 1. An Impact Assessment for the changes being proposed has been undertaken, and has found no impact or requirement to address equality issues. The assessment will be reviewed as the proposed project is implemented.

7. Public Services (Social Value) Act 2012

7.1 Career South West will need to tender for all Local Authority business in the future.

8. Risks

If the proposed decision is not implemented, then the alternative is to sell or dissolve the company. Sale or dissolution would present an immediate cost to the Councils in terms of procurement and service transfer (including TUPE). It could also trigger crystallisation of the pension liability of past service, for which the owning Councils are co-guarantors. The Pension Fund would claim against the CSW guarantors, for Torbay this is estimated to be in the region of £855,000.

Appendices

Appendix 1 – Comprehensive Impact Assessment prepared by Careers South West

Additional Information

Devon County Council Report CS/14/10 to its Cabinet
Options Analysis Presentation slides

CSW Transition Project

Comprehensive Impact Assessment

- Equality Impact Assessment
- Safeguarding Assessment
- Information Management Assessment
- Community Safety Assessment
- Health, Safety and Wellbeing

Comprehensive Impact Assessment Template

Assessment being undertaken	Project assessment – new project
Project Name:	CSW Transition Project
Service:	Young People IAG and Career Advice Services
Name of Officer/s completing assessment:	Tony Neal on behalf of CSW owners
Date of Assessment:	14/01/14
DEAG Sign off for E & D impacts only	
1. Why are you doing this CIA? – A brief explanation of the reason. Is it for: new/change in policy, procedures, strategy, function, service. (Please refer to the guidance for the definitions)	<p>This CIA is being done in relation to a new project to review the operation and working of CSW to increase its commercial focus and change the legal operation of the Board.</p> <p>The CIA scope is the project to manage Transition only – it is not an assessment of the services currently delivered by CSW to Local Authorities and other customers, as these services will not be impacted by the Project.</p> <p>The implementing team is the Project Group as defined in the Project PID document, supported by Owner Representatives from each of the four Owing Councils, acting as Sponsors, and also drawing on expertise from across the CSW organisation (HR, IT, Legal, Finance).</p>
2. Who implements or delivers the above in (1)? State if this is undertaken by more than one team, service, and department including any external partners.	

3.	<p>Who will be affected by this proposal? For example who are the external/internal customers, communities, partners, stakeholders, the workforce etc? Refer to the CIA Guidance for the themed assessments.</p>	<p>The project is mostly internally focussed to CSW managers and staff, although there will be impacts on Owner Local Authorities, in terms of how they interact with and control the business ongoing, and with existing customers in respect of the implementation of a new CRM system.</p> <p>A structured approach to Change Impact and Readiness Assessment has been adopted and will be used to evidence and monitor impacts, issues and the actions needed to support change effectively across all those affected. Assessments will be run for:</p> <p>CSW Senior Management Team CSW Staff CSW Customers</p>
4.	<p>Explain the positive and/or negative impacts/risks for the group/s identified in (3) above? Are particular groups more affected than others?</p>	<p>The greatest impacts in terms of working practice, the introduction of new metrics and the impact of changes to Board working will be the CSW Senior Management Team. They will also be most impacted by the succession of two current Directors. The impacts are generally positive but the issue will be around capacity of the SMT to adapt their working successfully, and to accept more structured Job Descriptions with associated performance metrics and standardised reporting requirements into the new General Board and Owner Group.</p> <p>CSW Staff who are focussed on delivering services in the field will see only limited impact, mostly associated around their interaction with the CRM system. However,</p>

		<p>CSW staff in Head Office functions, particularly Finance, and HR, will see a number of changes to how they currently work and the information and reporting requirements of the new Board and organisation. Staff in ICT will be impacted in so far as they will need to configure, test and implement the new CRM system. CSW Customers will see changes to how their information is stored and used by CSW, and should see a positive impact from the CRM system in terms of how they are engaged and managed by CSW.</p>
5.	<p>Is the proposal likely to result in positive or negative health, safety and wellbeing impacts arising from: Individual lifestyles, social and community influences, living conditions, working conditions, economic conditions, access to or quality of services or any other direct or indirect effects on health, safety and wellbeing? What particular groups are affected more than others and why?</p>	<p>No, although these are all elements which will need to be considered as part of the management of change to ensure that any potential issues are identified and managed appropriately. But from the perspective of this project, there are no expected impacts in these areas.</p>
6.	<p>Is the proposal likely to result in positive or negative community safety/crime and disorder impacts? If so what are they?</p>	<p>No</p>
7.	<p>Have the impacts identified in 4, 5 and 6 above been assessed using up to date and reliable evidence and data? Please provide a link to the evidence/data or state what the evidence/data is. Are any of these groups vulnerable? Do you need to engage or consult with any representative group/s?</p>	<p>Yes. A structured Change Impact and Readiness Assessment tool has been used by the Project Group to consider the perspectives and impact of the SMT, CSW Staff and CSW Customers, and so identify areas of risk. Where risk has been identified, management actions have been identified and put into the Project Plan to address</p>

	<p>Are staff affected? Have the unions or staff forums been involved? If not do they?</p>	<p>them. The Assessments will be re-run on a monthly basis to monitor readiness and impacts ongoing.</p> <p>The Project Group have also specifically checked for any particular needs or requirements in respect of engagement in terms of diversity, disability and information management.</p> <p>Staff will be impacted by this project. They will be consulted through their managers in team meetings and briefings, and through a companywide consultation process. HR are being involved to advise and support this process.</p>
8.	<p>What plans do you have in place, or are developing, that will mitigate the likely identified negative impacts/risks?</p>	<p>All risks are documented within the project Risk Log and have actions to mitigate them defined. These actions are added into the Project Plan, with related references, to show that they are risk related. As the actions are completed, the Risk is reviewed and, when appropriate, closed.</p>
9.	<p>What plans do you have in place to monitor the impact of the proposals once they have been implemented? The full impact of the policy/decision may only be known after the proposals have been implemented.</p>	<p>It is planned that Change Impact Assessments will be run monthly as the project is run and will also be run a month after completion of the project, to ensure any ongoing or unexpected impacts are understood and managed.</p>
10.	<p>Are there other Legal or Council Governance issues that need to be considered? If yes the please explain.</p>	<p>Yes. The Transition Project is mostly internal to CSW in its impact, but it requires the sponsorship and approval of the owner Councils in order to make the legal changes needed to set up the General Board and Owner Group, and amend the current Member Agreement and associated Articles. This agreement will be managed on</p>

		behalf of the Project by the Owner Representatives, using documentation and information provided by the Project Group.
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<p>What course of action does this CIA suggest you take? More than one of the following may apply (Refer to the CIA Guidance regarding Risk Management)</p>	
<p>Outcome 1 - Green: No major change required. The CIA has not identified any potential for adverse impact or risk</p>	
<p>Outcome 2 - Green: Mitigate risk identified by the CIA. Are you satisfied that the proposed adjustments will mitigate the risk?</p>	✓
<p>Outcome 3 - Amber: Continue the policy despite potential for an adverse risk impact. You will need to ensure that the CIA clearly sets out the justifications for continuing with it. You should consider whether there are sufficient plans to reduce the negative impact/risk and/or plans in place to monitor the actual impact.</p>	
<p>Outcome 4 - Red: Stop and rethink when the CIA shows a residual risk score of 20 or more</p>	
<p>Summary of your proposals (Copy and paste into the report template)</p>	
<ul style="list-style-type: none"> • What are the key risks/impacts – both positive and negative • What course of action are you advising as a result of this CIA • Are there any groups affected more than others 	
<p>No specific actions are required beyond the regular re-assessment of Impact and Readiness and completion of the actions already identified within the Project Plan.</p>	

Agenda Item 10



Meeting: Council

Date: 01 May 2014

Wards Affected: St Marychurch

Report Title: Planning Application P/2014/0085 – Provision of a dwelling on land at Pine Lodge, Sladnor Park Road, Torquay

Is the decision a key decision? No

When does the decision need to be implemented? Notice to be issued immediately after the decision is made by Council. Given the need to determine the application at Council the application will be determined after the end of the 8 week statutory determination period.

Executive Lead Contact Details: David Thomas, Deputy Mayor & Executive Lead Strategic Planning, Housing and Energy, Ext 7069, david.thomas@torbay.gov.uk

Supporting Officer Contact Details: Peter Roberts, Team Leader Development Management, Ext 7742, peter.roberts@torbay.gov.uk

1. Purpose and Introduction

1.1 The Council is asked to determine whether or not to grant planning permission for the proposed construction of a dwelling on land at Pine Lodge, Sladnor Park Road, Maidencombe, Torquay. The application is a resubmission of previously refused application P/2013/0979. The proposed dwelling has been substantially revised in terms of the design following that earlier refusal.

1.2 The planning application was reported to the Development Management Committee for decision on Monday 14 April. The officer recommendation to the committee was refusal of planning permission for the following reasons:

01. The development is contrary to Local Plan policy L4 as the site is within the defined Countryside Zone, and the precedent set by approval would result in sporadic residential development within the Countryside Zone which would impact on the special landscape character of the area contrary to policies L2 and L3 of the saved Adopted Local Plan.

02. The scheme should deliver community infrastructure contributions in line with the Adopted SPD 'Planning Contributions and Affordable Housing' in order to mitigate the impact of the scheme on the local area. The scheme does not secure this and as such it is contrary to the provisions of the SPD and to policy CFS and CF6 of the Saved Adopted Torbay Local Plan 1995-2011.

1.3 The committee resolved on Monday 14 April to recommend approval to the application and as such the matter is referred to Council for decision. This is in accordance with

the terms of reference for the Development Management Committee. Schedule 4 of the Constitution (Terms of Reference) includes under Development Management Committee part 3, the following term (where reference is made to the Executive Head of Spatial Planning read 'Director of Place'):

The Committee shall not determine any application (or other matter) in a manner that would (in the opinion of 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.

2. Proposed Decision

- 2.1 That Planning application P/2014/0095 should be refused for the reasons set out in 1.2 above and in accordance with the officer's recommendation set out in the officer committee report (Appendix 1), notwithstanding the deferral of the Development Management Committee based on its decision to approve the application.

3 Reason for Decision

- 3.1 Planning decisions should be made in accordance with the Saved Local Plan, unless material planning considerations indicate otherwise. The revised application remains contrary to policies L2, L3 and L4 of the saved adopted Torbay Local Plan. These policies seek, explicitly, to protect the landscape character of Areas of Great Landscape Value (L2), protect the unspoilt character of Coastal Preservation Areas (L3) and to prohibit development in the countryside (L4) unless clear criteria are met. Policy L4 is broadly consistent with the National Planning Policy Framework (NPPF).

Efforts to revise the design of the dwellinghouse have been well conceived, but the result is the same in principle. Whilst material weight is to be given to paragraph 63 of the NPPF, it is not considered that the design improvements to the scheme out-weigh the clear policy constraint in this case.

NPPF Para 63: In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

- 3.2 There has been a long history of refused decisions for new dwellings in this area and these have been upheld at appeal (see 4.5 below and Appendix 1 for details). Appendix 1 sets out the planning balance to this recommendation and provides essential planning background to this Council decision.

- 3.3 Notwithstanding the decision that was made in relation to the adjacent site at Allways, Teignmouth Road (P/2012/0743), there is a policy constraint to development of this type in the Countryside Zone. There are not considered to be substantive economic, environmental or social reasons to over ride the policy and the design is not so exceptional as to warrant a contrary decision in this case.
- 3.4 It is not considered that the test set out in paragraph 55 of the NPPF in terms of being truly outstanding or innovative has been met. Such a test is intended to apply to innovations in design and not merely to a response to the landscape constraints of a sensitive site. Paragraph 4 of the NPPF states:

Local planning authorities are required to take design into consideration and should refuse permission for development of poor design. Local planning authorities should give great weight to outstanding or innovative designs (emphasis added) which help to raise the standard of design more generally in the area. This could include the use of innovative construction materials and techniques.

The predecessor to the NPPF in this respect was PPS7 and although now cancelled, the wording in paragraph 11 provides useful background to previous approvals across the Country under this rural design exception:

Very occasionally the exceptional quality and innovative nature of the design (emphasis added) of a proposed, isolated new house may provide this special justification for granting planning permission. Such a design should be truly outstanding and ground-breaking (emphasis added), for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise standards of design more generally in rural areas. The value of such a building will be found in its reflection of the highest standards in contemporary architecture, the significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area.

Supporting Information

4. Position

- 4.1 The proposal represents a new dwelling in the Countryside Zone, contrary to the provisions of local plan policies. The proposal is also contrary to the NPPF (para 2) and is not supported by para 55 of the NPPF, which relates to isolated homes in the countryside. The improvement to the design and sustainable construction of the dwelling does not overcome the policy objections. Whether the proposed house is above ground, underground or partially underground makes no difference – it is a house in the countryside, contrary to Local Plan policy. If permission was given for the proposal an unacceptable precedent would be set for similar development and for larger developments in the countryside.

- 4.2 The Local Plan is quite clear in seeking to resist residential development within the defined countryside zone unless it meets strict criteria. In relation to dwellings, policy L4 only allows them where there is a proven agricultural need or they constitute infill development within the existing areas of settlement.
- 4.3 Sladnor Park Road forms part of the sporadic post war ribbon development that occupies both sides of Teignmouth Road for most of its length, between the outskirts of Torquay and the boundary with the neighbouring authority.
- 4.4 The justification to the policy makes it clear that new residential development would only be considered acceptable within the existing village settlements. The reasons for this are that such development, outside village boundaries, will alter the face of the countryside by creating sprawl that will ultimately erode its open, rural character and lead to merging of existing settlements.
- 4.5 The guidance under policy L4 makes it clear that new homes should 'be located and designed to minimise impact on open countryside, and should not accentuate ribbon or sporadic development in rural areas'.
- 4.5 There is a long history of applications for dwellings within domestic gardens within the Maidencombe area. These have been consistently refused primarily as they are contrary to Local Plan policy L4, which resists sporadic residential development within the defined Countryside Zone. The Council has been very successful at defending these decisions at appeal, which have been routinely dismissed due to non compliance with the adopted local Plan.

These are P/2008/0121: The Barn Teignmouth Road, P/2005/0936: Langley Manor Teignmouth Road, P/2004/1578: Curtilage of Combe Mount Teignmouth Road, P/2004/1351: Land curtilage of West Winds Teignmouth Road, P/2003/0754: Brantfell Ridge Road

- 4.6 There is also further relevant planning history in the decision to approve application P/2012/0743: New Dwelling in grounds of Allways, Teignmouth Road. That application was approved by the Development Management Committee contrary to the officer recommendation to refuse. It was considered by the committee that the application would result in an improvement in highways terms (central access to serve the existing and proposed dwellings) and that the new dwelling would be surrounded by properties and have direct frontage onto Teignmouth Road.

Having considered that case in some detail it is not clear why, in the circumstances, that application was not referred to Council for decision.

- 4.7 There is further relevant planning history at both English House (P/2011/0361) and Rock House (P/2012/0566 & P/2012/0567). In both cases approved developments were allowed due to the particular circumstances of the case.

In the case of English House, the approval would result in the demolition of an existing building in commercial use and its replacement with 2 pairs of dwellings and garden dwellings. It is very material in that case that approval had also been granted for the extension of the existing building and that the scheme was for replacement buildings not wholly new buildings.

In the case of Rock House, the approval for 2 dwellings results in the replacement of 2 existing structures within the grounds of the listed building. The owner of the site has been obliged to enter into a planning agreement to ensure that proceeds of the sale of the development land is used to undertake essential repair works to the listed building making the proposals enabling development. The decision was to approve replacement buildings to fund works to the listed building and not to approve wholly new dwellings in the undeveloped garden.

- 4.8 The most recent planning history of the application site is P/2013/0979: New dwelling in the grounds of Pine Lodge. That application was refused by the Development Management Committee in 2013 for the following reasons:

01. The site is within a defined countryside zone where protecting rural character is an identified priority. Policy L4 of the Saved Adopted Local Plan indicates that new dwellings are only permissible within existing settlements or where there is a proven agricultural need. The inclusion of an additional dwelling in this domestic garden outside a defined settlement would be contrary to this policy and result in a more urbanised character of development which would act to erode the sporadic, more sparsely laid out 'ribbon' form of development along Teignmouth Road and in the wider L4 area. It would also make it more difficult to resist similar infill schemes which would cumulatively erode the open rural character of the area and act to blur the distinction between urban Torquay and the more rural hinterland. This would be harmful to the special landscape character of the Area of Great Landscape Value and Coastal Preservation Area. As such the proposal is contrary to policies L4 L2 and L3 of the Saved Adopted Torbay Local Plan 1995-2011.

02. The scheme should deliver community infrastructure contributions in line with the Adopted SPD 'Planning Contributions and Affordable Housing', in order to mitigate the impact of the scheme on the local area. The scheme does not secure this and as such it is contrary to the provisions of the SPD and to policy CFS and CF6 of the Saved Adopted Torbay Local Plan 1995-2011.

03. It has not been demonstrated that there is adequate visibility in relation to the proposed vehicular access; as such the development may impact upon highway safety contrary to policy T26 of the saved Torbay Local Plan 1995-2011.

- 4.9 The application the subject of this report (P/2014/0095) was considered at the Development Management Committee of 14 April 2014, the agenda for which is at:

5. Possibilities and Options

- 5.1 When dealing with all planning applications the Council, as Local Planning Authority (LPA) must make its decision in accordance with s.70 of the Town & Country Planning Act 1990 and paragraph 2 of the National Planning Policy Framework (NPPF) in that *'applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise'*.

Whilst the design of the scheme is a good response to the constraints of the site, it nevertheless remains a type and form of development that runs counter to the policy in this area, in principle. There will be a discernible change in the landscape and landform of the site as a result of the development and an apparent intervention in the land as a result of the dwelling being introduced. There are particular exceptions to building in the Countryside Zone set out in policy L4 and these are not applicable to this case of new dwelling in the garden of an existing property.

- 5.2 Whilst precedent is hard to argue in planning cases, the acceptance to the scheme would also signal (in addition to the adjacent decision at Allways) a change in approach by the LPA to the development of dwellinghouses in the Countryside Zone. Such a move would be likely to increase pressure for development to occur in the Countryside Zone to the detriment of its character and function.
- 5.3 Notwithstanding points 5.1 and 5.2 above it is for the Council to decide whether there are material considerations (such as the design and landscaping proposed) that indicate a different decision should be taken in this case. Should this be the conclusion of the Council it is strongly recommended that the decision notice clearly state the reasons why the decision has been taken contrary to its own adopted policy in this case.

6. Fair Decision Making

- 6.1 The planning application has been subject to the public consultation required by planning law, which has included the posting of a site notice and letters to the neighbouring occupiers. The application was heard at the Development Management Committee on 14 April 2014 and further discussions have been held with the applicant's architect. As such the applicant is well advised as to the nature of the Council decision-making process in this case.
- 6.2 Whilst this is a decision to be made on its own particular merits, as with all planning decisions, it is important because it will clarify through this decision what the Council's position in respect of its current planning policy. In this case the decision to refuse or

approve the application is likely to carry a significant level of importance to the future decisions of the Local Planning Authority with respect to residential development in the Countryside Zone.

7. Public Services (Social Value) Act 2012

7.1 The Public Services (Social Value) Act 2012 does not apply to this decision since the proposals do not require the procurement of services or the provision of services for or on behalf of the Local Authority.

8. Risks

8.1 There are risks attached to the decision in this case. Challenges to the way in which the decision was reached could be raised through the Council's complaints procedure and onto the Local Government Ombudsman. Furthermore, a Judicial Review into the Council's decision could be raised. However, so long as the decision is made in accordance with policy and having had regard to other material considerations the Council will not be found guilty of maladministration or be found to have made an unlawful decision. It is imperative that only matters related to planning are considered and that notwithstanding the decision at Allways, this application is dealt with on its own individual merits.

8.2 It is likely that the risks associated with this decision will be reduced as a result of refusing the planning application. This is because such a decision would be in accordance with policy and the applicant will have a right to appeal such a decision.

8.3 If the Council decides to approve the application, there are risks that this could encourage other landowners within the Countryside Zone to submit similar applications. In combination with the adjacent decision at Allways, this has the potential to be perceived as altering planning policy through the decision-making process and not through strategic plan making.

Appendices

1. Development Management Committee Report – 14.04.2014

Additional Information

[Saved Adopted Torbay Local Plan, 1995-2011](#)

[New Torbay Local Plan \(Proposed Submission Plan\), 2012-2032](#)

[National Planning Policy Framework \(NPPF\)](#)

Application Number

P/2014/0095

Site Address

Pine Lodge
Sladnor Park Road
Torquay
Devon
TQ1 4TF

Case Officer

Mrs Ruth Robinson

Ward

St Marychurch

Description

Provision of a dwelling on adjacent land (Resubmission of P/2013/0979)

Executive Summary/Key Outcomes

This application involves the construction of a dwelling within a domestic garden area. The site lies within the defined Countryside Zone and within a Coastal Preservation Area and Area of Great landscape Value.

Similar applications in the locality have been consistently refused in the past and appeals routinely dismissed, as they are contrary to Local Plan policy which restricts the introduction of new dwellings in the Countryside zone.

In 2012 planning permission for a dwelling in the garden at Allways, Teignmouth Road was granted by the Development Management Committee, contrary to officer advice. This property is next door to the application site.

This led to the submission of an application for a similarly sized 2 storey dwelling in the northern portion of this adjacent garden plot. This was recommended for refusal on planning policy grounds which Members supported.

A revised scheme for a single storey 'sunken' dwelling, with a minimal impact on landscape character and designed to achieve high standards of energy efficiency, has now been submitted which seeks to resolve any concerns about possible visual impact on the surrounding countryside.

Officer's opinion is that the application, whilst representing a good standard of design and an improvement on the previous scheme in terms of visual impact, is still unacceptable when judged against local plan policies which seek to restrict the introduction of new dwellings within the countryside zone.

In view of the decision on Allways and the history of the site it has been agreed with the applicant that the decision should be referred to DMC for consideration.

Recommendation

Refuse, as the development is contrary to Local Plan policy L4 as the site is within the defined Countryside Zone and the precedent set by approval would result in sporadic residential development within the countryside zone which would impact on the special landscape character of the area contrary to policies L2 and L3 of the saved Adopted Local Plan.

Statutory Determination Period

8 week statutory determination period expires on the 4th April.

Site Details

The application site comprises a large domestic garden and dwelling accessed from Sladnor Park Road. It forms part of a small group of similar suburban style properties laid out in spacious plots which merges with the post war ribbon development along the Teignmouth Road.

The existing dwelling is substantial and the garden very large. This is typical of many properties around the Maidencombe area.

Allways, which won approval for the inclusion of an additional dwelling within its garden in 2012, is sited next door and the existing dwelling on the site is located some 2-3 metres from the south eastern boundary of the application site.

The garden is relatively level and is defined by mature hedgerows and sporadic tree growth.

Detailed Proposals

The application proposes the construction of a large single storey 4 bed domestic dwelling with a new vehicular access onto Sladnor Park Road. It aims to achieve level 5 in the Code for Sustainable Homes.

Summary Of Consultation Responses

Highways Have no objection to the proposal subject to an acceptable visibility splay being achieved.

Summary Of Representations

None

Relevant Planning History

P/2012/0743: New Dwelling in grounds of Allways, Teignmouth Road: approved contrary to Officer advice.

P/2013/0979: New dwelling in the grounds of Pine Lodge: Refused

There is a long history of applications for dwellings within domestic gardens within the Maidencombe area. These have been consistently refused primarily as they are contrary to Local Plan policy L4 which resists sporadic residential development within the defined Countryside Zone. Appeals have been routinely dismissed due to non compliance with the adopted local Plan.

These are:

P/2008/0121: The Barn Teignmouth Road: Additional dwelling Refused as contrary to policy, overdevelopment, highways and impact on trees. Appeal dismissed.

P/2005/0936: Langley Manor Teignmouth Road: Additional dwelling: Refused as contrary to policy and highways. Appeal dismissed.

P/2004/1578: Curtilage of Combe Mount Teignmouth Road: Additional dwelling: Refused as contrary to policy, highways and residential amenity. Appeal dismissed.

P/2004/1351: Land curtilage of West Winds Teignmouth Road: Additional dwelling: refused as contrary to policy: Appeal dismissed.

P/2003/0754: Brantfell Ridge Road: Additional dwelling: Refused as contrary to policy and impact on landscape character. Appeal dismissed.

Key Issues/Material Considerations

The key issues are design and the location of the dwelling within the defined Countryside Zone.

The design of the proposed dwelling has been much improved. It now comprises a single storey 'sunken' structure with a green roof which sits comfortably within the landscape character of the site.

The structure is screened from view by the reinforced boundary planting and the construction of an earth bank along its northern boundary. It is to be constructed of recessive 'garden' materials such as stone and timber. It is designed to achieve a level 5 in the Code for Sustainable Homes and waste water and

surface water are dealt with in a sustainable manner.

The landscape proposals aim to improve the biodiversity of the site by the creation of new habitats for wildlife.

The low level and character of design ensures that there will be little impact on the wider landscape character of the area. No trees of value are affected.

However, it still represents a new dwelling in the countryside zone which is contrary to local plan policies. The improvement to the design and sustainable construction of the dwelling does not overcome these policy objections.

The Local Plan is quite clear in seeking to resist residential development within the defined countryside zone unless it meets strict criteria.

Policy L4 only allows dwellings for which there is a proven agricultural need and infill development within the existing areas of settlement.

The justification to the policy makes it clear that new residential development would only be considered acceptable within the existing village settlements. In this case, within the boundaries of Maidencombe village.

The reasons for this are that such development, outside village boundaries, will alter the face of the countryside by creating sprawl that will ultimately erode its open, rural character and lead to merging of existing settlements. The guidance makes it clear that new homes should be located in the existing urban area which is a more sustainable option due to the proximity of shops and services.

It cannot be argued that Sladnor Park Road, which is a small suburban estate of post war dwellings qualifies as an existing village settlement. It more properly forms part of the sporadic post war ribbon development that occupies both sides of Teignmouth Road for most of its length between the outskirts of Torquay and the boundary with the neighbouring authority.

This ambition to protect the character of the countryside is picked up in the NPPF policy 55 which suggests; similarly that new development within existing villages may be acceptable to support services but that new isolated homes in the countryside zone should be avoided.

If a design is truly outstanding or innovative or reflects the highest standards in architecture or significantly enhances its setting and is sensitive to the defining characteristics of the area, Paragraph 55 of the NPPF does allow an exception to be made. However, this is aimed at exemplar schemes of national significance as is clear from the guidance that was contained in the precursor to the NPPF, PPS7 'Sustainable Development and the Rural Economy'. It is not intended to provide a route to populating the countryside with new dwellings simply by

improving design quality.

The Maidencombe area is predominantly rural and characterised by large properties, often fringing through routes, many of which have large expansive gardens, and many of which could, in functional terms, easily accommodate new houses.

That this has not happened is largely due to the local plan designation which has successfully acted to prevent inappropriate new dwellings which cumulatively would have had a profound effect on the rural character of the area.

It is necessary to apply this policy consistently if the protection of the countryside character is to continue. The fact that this building will not be readily visible from any public vantage points is immaterial in terms of the rationale of the policy.

Decisions that set the policy framework aside for no good reason will create a precedent for new residential development within garden plots throughout the area that will ultimately erode its special, open character.

Applications for 2 new dwellings at Rock House, Rock House Lane were approved by DMC at the September 2013 meeting. Their location in the countryside zone renders them contrary to established policy however, an exception was argued as the dwellings would replace existing structures within the grounds of the plot, and profit from the sale of the dwellings will be secured through a S106 agreement for restoration of Rock House. As a Grade II listed building, in a poor state of repair, this can qualify as 'enabling development' which allows, under guidance in the NPPF, the relevant policies to be set aside.

If this application is allowed, in the absence of any material reason to set aside the policy, it will make it difficult to defend similar applications for infill development in the plots that range along this part of Teignmouth Road and beyond.

This will result in the more open character of development which does exist being eroded and the boundaries between urban Torquay and its more rural hinterland will become increasingly blurred.

Thus, in policy terms the creation of a new dwelling in this location is contrary to policy L4, L2 and L3 of the Adopted Local Plan.

S106/CIL -

Based on the SPD the scheme should deliver £50 waste, £3610 sustainable transport, £470 Lifelong learning and £2370 Greenspace contributions. The applicants have agreed that in the event of approval being secured, they would meet this obligation via a Unilateral Obligation before the expiry of the 8 week date.

Conclusions

Great efforts have been made to reduce the impact of this dwelling on the landscape character of the area through good design and landscaping. In terms of sustainability, the aim is to deliver a dwelling which achieves level 5 in the Code for Sustainable Homes. These efforts are admirable.

However, due to its location within the defined Countryside Zone the scheme is contrary to Local Plan policy L4 and new dwellings are precluded unless within existing settlements or for proven agricultural need.

Similar applications over recent years have been consistently refused due to the failure to conform to Local Plan policies in relation to the location of new homes in the countryside and the impact that such development will have on the protected landscape character of the area.

Many of these cases have been tested on appeal and dismissed.

Members considered that in relation to Always an application to construct a dwelling within the Countryside zone was acceptable despite the objectives of policy L4.

Whilst that dwelling does not adversely affect the applicant's amenity, it is in close proximity to their property and does affect their views across open countryside.

The applicant, considers they have been dealt a 'double whammy' in that they are to some degree affected by the adjacent development yet not able to carry out an altogether more discrete and better designed scheme.

It is necessary however to be diligent about professional policy based recommendations, which accounts for the Officer recommendation.

Recommendation

That Planning permission should be refused for the following reasons:

1. The site is within a defined countryside zone where protecting rural character is an identified priority. Policy L4 of the Saved Adopted Local Plan indicates that new dwellings are only permissible within existing settlements or where there is a proven agricultural need. The inclusion of an additional dwelling in this domestic garden outside a defined settlement would be contrary to this policy and result in a more urbanised character of development which would act to erode the sporadic, more spaciouly laid out 'ribbon' form of development along Teignmouth Road and in the wider L4 area.

It would also make it more difficult to resist similar infill schemes which would

cumulatively erode the open rural character of the area and act to blur the distinction between urban Torquay and the more rural hinterland.

This would be harmful to the special landscape character of the Area of Great Landscape Value and Coastal Preservation Area. As such the proposal is contrary to policies L4 L2 and L3 of the Saved Adopted Torbay Local Plan 1995-2011.

Relevant Policies

- H9 Layout, and design and community aspects
- H10 Housing densities
- BES Built environment strategy
- BE1 Design of new development
- L8 Protection of hedgerows, woodlands
- L9 Planting and retention of trees
- L4 Countryside Zones
- L2 Areas of Great Landscape Value
- L3 Coastal Protection Areas
- T26 Access from development onto the highway

Agenda Item 11



Meeting: Council

Date: 1 May 2014

Wards Affected: All wards in Torbay

Report Title: LGPS Pensions Discretions 2014

Executive Lead Contact Details: Derek Mills, Executive Lead for Business Planning and Governance, 07791 598091, Derek.Mills@torbay.gov.uk

Supporting Officer Contact Details: Anne-Marie Bond, Executive Head Commercial Services, (01803) 207160, Anne-Marie.Bond@torbay.gov.uk

1. Purpose

1.1 Changes to the Local Government Pension Scheme 2014 have resulted in a new set of pensions discretions requiring approval.

2. Proposed Decision

2.1 It is recommended that Council approve the pension discretion policy statements set-out in Appendix 2.

3. Action Needed

3.1 To approve the set of pensions discretions policy statements attached in Appendix 2.

4. Summary

4.1 The Local Government Pension Scheme regulations require all scheme employers to publish and keep under review a written policy statement on how they will apply their discretionary powers in relation to certain provisions of the scheme. As the new LGPS came into force on 1 April 2014, it has been necessary to review the current discretions and to adopt a set of discretionary pension policy statements to ensure compliance with the new Regulations.

Supporting Information

5. Position

Under the rules of the Local Government Pension Scheme (LGPS) the employer has the right to authorise discretion on a number of matters regarding the administration of the pension scheme.

Torbay Council already has a set of policy statements that it has developed in relation to the 2008 LGPS Regulations. The policy statements set out its position in regard to each of the discretions and in what circumstances it will/will not operate them. These current discretions are contained in Appendix 1.

The LGPS Regulations 2014 have introduced some changes to the discretions that the Council must now consider, approve and publish in order to be compliant with the new Regulations.

The table below provides a summary of the changes between the 2008 and 2014 LGPS discretions:-

Regulation under Local Government Pension Scheme	Discretion	Current Discretion (under 2008 Regulations)	New Discretion (under 2014 Regulations)
Regulation 12	Augmentation of membership	Yes	No
Regulation 13	Awarding additional pension	Yes	Yes
Regulation 16	Shared cost Additional Pension Scheme	No	Yes
Regulation 18	Flexible Retirement	Yes	Yes
Regulation 25(3)	Shared cost AVC arrangement	Yes	No
Regulation 30	Allowing early payment of benefits + waiving of actuarial reduction	Yes	Yes
Regulation 30(A)	Waiving actuarial reduction for ex-employees	Yes	Yes
Regulation TPSch 2	Power of employing authority to "switch on" the 85 year rule	No	Yes

The current set of discretion statements were agreed so that the Council could retain choice and flexibility over when it can exercise its discretions. This has had the advantage of enabling the Council to be responsive to budget pressures whilst ensuring that the Scheme is as cost-effective to the employer as possible.

With the exception of the Flexible Retirement discretion, the Council has not needed to exercise any of the existing discretions within the past six years. This has resulted in a significant decrease in the associated 'strain costs' that the Council has had to pay in the past, and is still committed to, when the discretions were more generously applied.

The Council's new set of policy statements developed in response to the 2014 regulations are contained in Appendix 2.

The new set of discretions are based on the same principles as the existing discretions and have been worded in such a way as to continue to save the Council money in regard to employer pension costs.

6. Possibilities and Options

- 6.1 The Council can choose to either adopt the new pension discretion policy statements as set-out in the Appendix 2 or to revise the options again with a view to applying them more generously, which is likely to result in additional costs.

7. Preferred Solution/Option

- 7.1 That Council approves the recommended pension discretion policy statements in Appendix 2. This would enable the Council to retain its current stance of flexibility and choice but at the same time ensure that the Scheme continues to operate in the most cost-effective way.

8. Consultation

- 8.1 Consultation has taken place at a national level in regard to LGPS changes. The Council's recognised Trade Unions, Unison and GMB have been notified of the changes (Single Status Group meeting 27.3.14).

9. Risks

If the pension discretion policy statements are not agreed on 1st May 2014, the Council will be non-compliant with the Local Government Pensions Scheme Regulations 2014.

If the new set of pension discretion policy statements are not approved by Council and need to be reviewed and changed, this will likely result in an increase to the Council's employer pension costs.

Appendices

Appendix 1 – Torbay Council's Current Pension Discretion Policy Statements based on 2008 LGPS Regulations.

Appendix 2 – Torbay Council's Proposed Pensions Discretion Policy Statements based on 2014 LGPS Regulations.

Additional Information

LGPS Pensions Changes 2014 – Discretions from Peninsula Pensions.

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

The Local Government Pensions Regulations 2014.

Wiltshire Pension Scheme:- <http://www.wiltshirepensionfund.org.uk/about-the-scheme/employer-discretions-policies.htm>

Surrey County Council 'Review of Pension Discretion Policy Statements':-

<http://mycouncil.surreycc.gov.uk/documents/s11230/PPDC%20Report%20New%20Scheme%20Discretions%20FINAL.pdf>

TORBAY COUNCIL-PENSION DISCRETIONS.

Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (As Amended).

Local Government Pension Scheme (Administration) Regulations 2008 (As Amended).

TORBAY COUNCIL DISCRETIONARY POWERS POLICY STATEMENT DECISIONS.

<u>DETAIL OF DISCRETION.</u>	<u>TORBAY COUNCIL POLICY DECISION.</u>
<p><u>Regulation 12: Power of Employing Authority to Increase Total Membership of Active Members.</u> Employers can increase the total membership of an active employee by up to a maximum of 10 years service.</p>	<p>Torbay Council will not normally exercise this discretion.</p>
<p><u>Regulation 13: Power of Employing Authority to award Additional Pension.</u> Employers can award a scheme member an amount of additional pension of not more than £5,000.00 per annum.</p>	<p>Torbay Council will not normally exercise this discretion.</p>
<p><u>Regulation 18: Flexible Retirement.</u> Flexible Retirement is available to members of the LGPS from age 55. There is no age limit to flexible retirement, and an employee can draw their pension benefits in full, and carry on working for the Council, retain membership of the LGPS, and accrue a further set of pension benefits The pension benefits can only be paid if the Council consents to a reduction in hours, or grade and agrees to the release of the accrued pension benefits. The minimum reduction in hours that will be considered is a 20% cut in hours. The employee must commit to a permanent reduction in hours or grade. There is no automatic right of the employee to revert back to the former working arrangements. The employee must commit to remaining in employment for a minimum period of 1 year or up to age 60 if earlier.</p>	<p>Torbay Council will take all reasonable steps to accommodate an employee's request for flexible retirement. The Council will not waive any reduction to pension, and under Torbay Council's discretionary powers, will consider flexible retirement only where there is no cost to the employer.</p>
<p><u>Regulation 25(3): Shared Cost Additional Voluntary Contribution Scheme.</u> An employing authority may decide to establish a Shared Cost AVC arrangement. If this discretion is exercised the administering authority (Devon Pension Services) has to make the appropriate arrangements with an insurance company.</p>	<p>Torbay Council will not enter into a Shared Cost AVC arrangement.</p>
<p><u>Regulation 30: Choice of Early Payment of Pension (Employer Consent). (Active Members).</u> An employee can request early payment of their pension benefits, if they are aged 55, but before age 60. The pension benefits will be subject to a reduction unless the employee satisfies the '85 Year Rule' or the employer agrees to waive the reduction on compassionate grounds. The Employer must consent to the release of the pension benefits.</p>	<p>Employee's can apply in writing to their line manager, and each case is considered on an individual basis. Any strain payment cost arising, as the result of a successful application will be met by the employee's business unit, or school.</p>
<p><u>Regulation 30 (A): Choice of Early Payment of Pension: (Employer Consent). (Deferred Members).</u> An ex-employee with deferred pension benefits can request early payment of their pension benefits, if they are aged 55, but before age 60. The pension benefits will be subject to a reduction unless the employee satisfies the '85 Year Rule' or the employer agrees to waive the reduction on compassionate grounds. The Employer must consent to the release of the pension benefits.</p>	<p>Ex-Employee's can apply in writing, and the following process will apply: If an ex-employee does not satisfy the '85 Year Rule', therefore the benefits are subject to a reduction, and there is no strain payment cost to the employer, the ex-employee can elect to receive their pension benefits. If an ex-employee satisfies the '85 Year Rule', the benefits are payable in full, and there will be a strain payment cost. Then the case should be referred to the Executive Head of the service area, or the Head Teacher where the ex-employee worked, for a decision on whether the strain payment will be paid, and the pension benefits released.</p>



Discretions policy

The Local Government Pension Scheme Regulations 2013

And

The Local Government Pension Scheme (Transitional Provisions
& Savings) Regulations 2014

Employer Name: TORBAY COUNCIL

Policy effective from: 1ST APRIL 2014

Regulation R16(2)(e) & R16 (4)(d)	Policy Decision
<p data-bbox="236 190 687 219">Shared Cost Additional Pension Scheme</p> <p data-bbox="236 286 778 414">An employer can choose to pay for or contribute towards a member's Additional Pension Contract via a Shared Cost Additional Pension Contract (SCAPC)</p>	<p data-bbox="809 286 1351 414">Torbay Council will not normally enter into a Shared Cost Additional Pension Contract to count towards a member's Additional Pension Contract except in exceptional circumstances.</p>

Regulation R30(6) & TP11(2)	Policy Decision
<p data-bbox="236 636 464 665">Flexible Retirement</p> <p data-bbox="236 698 767 920">Employers may allow a member from age 55 onwards to draw all or part of the pension benefits they have already built up while still continuing in employment. This is provided the employer agrees to the member either reducing their hours or moving to a position on a lower grade.</p> <p data-bbox="236 958 778 1086">In such cases, pension benefits will be reduced in accordance with actuarial tables unless the employer waives reduction on compassionate grounds or a member has protected rights</p>	<p data-bbox="809 698 1351 790">Torbay Council will take all reasonable steps to accommodate an employee's request for Flexible Retirement.</p> <p data-bbox="809 958 1351 1115">However, the Council will not waive any reduction to pension benefits and under Torbay Council's discretionary powers, will only consider Flexible Retirement requests when there is no cost to the employer.</p>

Regulation R30(8)	Policy Decision
<p data-bbox="236 1294 580 1323">Waiving of actuarial reduction</p> <p data-bbox="236 1357 767 1485">Employers have the power to waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to members benefits paid on the grounds of flexible retirement.</p> <p data-bbox="236 1523 783 1709">Employers may also waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to member's benefits for deferred members and suspended tier 3 ill health pensioners who elect to draw benefits on or after age 60 and before normal pension age</p> <p data-bbox="236 1747 767 1897">Employers also have the power to waive, in whole or in part, the actuarial reduction applied to active members benefits when a member chooses to voluntarily draw benefits on or after age 55 and before age 60.</p>	<p data-bbox="809 1357 1351 1579">The Council will not waive the actuarial reduction to scheme member's benefits in respect of flexible retirement, deferred member's benefit requests, suspended tier 3 ill health pensioners or active members who retire voluntarily and draw benefits from age 55 to normal retirement age.</p>

Regulation TPSch 2, para 2(2) & 2(3)	Policy Decision
<p>Power of employing authority to “switch on” the 85 Year Rule</p> <p>An employer can choose whether to “switch on” 85 year rule for members who voluntarily retire on or after age 55 and before age 60</p> <p>An employer can also choose to waive, on compassionate grounds, the actuarial reduction applied to benefits for a member voluntarily drawing benefits on or after age 55 and before age 60</p>	<p>Torbay Council will not ‘switch on’ the 85 year rule for members who voluntarily retire on or after age 55 and before age 60.</p> <p>The Council will also not waive the actuarial reduction in respect of benefits drawn for a member from age 55 to 60.</p>
Regulation R31	Policy Decision
<p>Power of employing authority to grant additional pension</p> <p>An employer can choose to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (by up to £6,500* per annum)</p> <p><i>(* the figure of £6,500 will be increased each April under Pensions Increase orders)</i></p>	<p>Torbay Council will not normally exercise the discretion to grant additional pension except in exceptional circumstances.</p>

These policies may be subject to review from time to time. Any subsequent change in this Policy Statement will be notified to affected employees.

Signed on behalf of _____

Signature of authorised officer: _____

Date: _____

Print name of authorised officer: _____

Job Title: _____



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

Executive Lead Contact Details: Councillor Derek Mills, Executive Lead for Business Planning and Governance, telephone 01803 843412 and email derek.mills@torbay.gov.uk

Supporting Officer Contact Details: Amanda Coote, Governance Team Leader, telephone 01803 207537 number and email amanda.coote@torbay.gov.uk

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.
-

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

Political Balance of Committees

Committee	Conservative Group	Liberal Democrat Group	Non-Coalition Group	Labour Member	Total
Overview and Scrutiny Board	5	2 (-1)	2(+1)		9
Audit Committee	4	1 (-1)	1 (+1)		6
Development Management Committee	5	2	2		9
Licensing Committee	8	4	2	1	15
Harbour Committee	5	2	2		9
Employment Committee	3	1		1	5
School Transport Appeals Committee	4	2	1		7
Civic Committee	4	2	1		7
Standards Committee	4	2	1		7
	42	18	12	2	74

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	Current Members
<p>Overview and Scrutiny Board:</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> To approve and co-ordinate the work programme for the overview and scrutiny function for the year. 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). To review or scrutinise decisions made, or other action taken, in connection with the discharge of functions which are the responsibility of the Executive. 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. 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. 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>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 (2)</p> <p>Non Coalition Group (2)</p>	<p>Councillors Bent, Hytche, Kingscote, McPhail and J Thomas</p> <p>Councillors Darling and Pentney</p> <p>Councillors Stockman and Davies</p>

Torbay Council – Constitution

Schedule 4 – Terms of Reference

Name of Committee and Terms of Reference	Membership	Current Members
<p>7. 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, the National Health Service Act 2006 and Health and Social Care Act 2012.</p> <p>8. 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>9. 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>Health Scrutiny Board (Sub Committee of the Overview and Scrutiny Board):</p> <p>Terms of Reference:</p> <p>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, the National Health Service Act 2006 and Health and Social Care Act 2012.</p>	<p>8 members of the Council (politically balanced)</p> <p>Conservative (5)</p> <p>Liberal Democrat (2)</p> <p>Non Coalition (1)</p>	<p>Councillors Bent, Hytche, Hernandez, McPhail and J Thomas</p> <p>Councillors Doggett and Faulkner (A)</p> <p>Councillor Davies</p>
<p>Audit Committee:</p> <p>Terms of Reference:</p>	<p>6 members of the Council excluding members of the Executive, in accordance with the</p>	

Torbay Council – Constitution

Schedule 4 – Terms of Reference

Name of Committee and Terms of Reference	Membership	Current Members
<p>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.</p> <p>2. To consider summaries of specific Internal Audit reports as requested.</p> <p>3. To consider reports dealing with the management and performance of the providers of Internal Audit Services.</p> <p>4. To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.</p> <p>5. To consider the External Auditor’s Annual Letter, relevant reports, and the report to those charged with governance.</p> <p>6. To consider specific reports as agreed with the External Auditor.</p> <p>7. To comment on the scope and depth of external audit work and to ensure it gives value for money.</p> <p>8. To liaise with the Audit Commission over the appointment of the Council’s external auditor.</p> <p>9. To commission work from Internal and External Audit within approved resources.</p> <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</p>	<p>political balance requirements</p> <p>Conservative (4)</p> <p>Liberal Democrat (1)</p> <p>Non-Coalition (1)</p>	<p>Councillors Addis, Bent, Brooksbank and Tyerman</p> <p>Councillor Pountney</p> <p>Councillor Parrott</p>

Torbay Council – Constitution

Schedule 4 – Terms of Reference

Name of Committee and Terms of Reference	Membership	Current Members
<p>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>To review any issue referred to it by the Chief Operating Officer, a Director, the Monitoring officer, Section 151 Officer (Chief Finance Officer) or any Council body.</p> <p>To monitor the effective development and operation of risk management and corporate governance in the Council.</p> <p>To monitor council policies on ‘Raising Concerns at Work’ and the ‘Anti-fraud and corruption strategy’ and the Council’s complaints process.</p> <p>To oversee the production of the authority’s Statement on Internal Control and to recommend its adoption.</p> <p>To oversee the Council’s arrangements for corporate governance and consider necessary actions to ensure compliance with best practice.</p> <p>To review the Code of Corporate Governance.</p> <p>To monitor the Council’s compliance with its own and other published standards and controls.</p> <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>9 members of the Council with membership comprising, if reasonably possible, members from the various areas of the</p>	

Name of Committee and Terms of Reference	Membership	Current Members
<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> <ul style="list-style-type: none"> 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>so far as they are set out in Schedule 2 of this Part 3 of the 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</p>	<p>Borough</p> <p>Conservative (5)</p> <p>Liberal Democrat (2)</p> <p>Non Coalition Group (2)</p>	<p>Councillors Addis, Barnby, Brooksbank, Kingscote and McPhail</p> <p>Councillor Baldrey and Pentney</p> <p>Councillors Morey and Stockman</p>

Name of Committee and Terms of Reference	Membership	Current Members
<p>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>		
<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, Tyerman</p> <p>Councillor Doggett, Pentney, Stocks and Stringer</p> <p>Councillors, Ellery and Parrott</p> <p>Councillor Cowell</p>
<p>Harbour Committee:</p>	<p>9 members of the Council plus up to five external non-voting</p>	

Name of Committee and Terms of Reference	Membership	Current Members
<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 strategy and including (but not limited to): <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> 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 	<p>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> <p>(Group Leaders will be asked to take account of the geographical spread of members in making appointments to the Committee)</p> <p>Conservative (5)</p> <p>Liberal Democrat (2)</p> <p>Non Coalition Group (2)</p>	<p>The Mayor and Councillors Amil, McPhail, Hytche and Richards</p> <p>Councillors J Faulkner and Stringer</p> <p>Councillors Ellery and James</p>

Torbay Council – Constitution

Schedule 4 – Terms of Reference

Name of Committee and Terms of Reference	Membership	Current Members
<p>Council’s policy framework, and address any issues relating to performance;</p> <ol style="list-style-type: none"> 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 proposed changes to the Council for determination. The Committee itself shall not authorise any changes; 6. consider any other matters referred to the Committee by the Executive Head Tor Bay Harbour Authority; 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; 8. recommend the format, composition and governance of the Harbour Liaison Forums and keep the arrangements under review; 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 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>Employment Committee:</p>	<p>5 members of the Council</p>	

Name of Committee and Terms of Reference	Membership	Current Members
<p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To make recommendations to Council on the appointment of the Head of Paid Service including the terms and conditions of his/her employment. 2. To determine appointments to post of Director or equivalent positions of the Council, including the terms and conditions of contracts, appointment procedures and arrangements. 3. To consider applications for the position of Coroner and to recommend to Council the person to be appointed to that post. 4. To hear and determine appeals in relation to disciplinary matters, in relation to dismissal. 5. To consider any matters referred by the Executive Director on the appointment of Directors on Council owned companies. 6. To consider any disciplinary or grievance matters in relation to the Executive Director. 	<p>Conservative (3)</p> <p>Liberal Democrat (1)</p> <p>Labour (1)</p>	<p>The Mayor and Councillors McPhail and Mills</p> <p>Councillor Darling</p> <p>Councillor Cowell</p>
<p>School Transport Appeals Committee this was stopped years ago, I don't think this is applicable any more following licensing applications being granted by the Council this right of appeal stopped 24 months ago ish):</p> <p>Terms of Reference:</p> <p>To determine appeals in respect of school transport.</p>	<p>7 members of the Council</p> <p>Conservative (4)</p> <p>Liberal Democrat (2)</p> <p>Non Coalition Group (1)</p>	<p>Councillors Addis, Hill, D Thomas, Tyerman</p> <p>Councillors Stringer and Stocks</p> <p>Councillor Parrott</p>

Torbay Council – Constitution

Schedule 4 – Terms of Reference

Name of Committee and Terms of Reference	Membership	Current Members
<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 Group (1)</p>	<p>Councillors Amil, Brooksbank, McPhail and Mills</p> <p>Councillors J Faulkner and Stringer</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, councillors, co-opted members and church and parent governor representatives. 2. To assist the Mayor, councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct. 3. To advise the Council on the adoption or revision of the Members' Code of Conduct. 4. To monitor the operation of the Members' Code of Conduct. 	<p>7 members of Torbay Council (4 Conservative and 2 Liberal Democrat and 1 independent).</p> <p>Conservative (4)</p> <p>Liberal Democrat (2)</p>	<p>Councillors Addis, Amil, Hernandez and J Thomas</p> <p>Councillors Doggett and Stocks</p>

Torbay Council – Constitution

Schedule 4 – Terms of Reference

Name of Committee and Terms of Reference	Membership	Current Members
<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 assist the Monitoring Officer in carrying out his/her responsibilities pursuant to the Code of Conduct and its protocols.</p> <p>7. To review the Council's local protocols as contained in the Constitution.</p> <p>8. To review the Constitution in relation to ethics and probity issues.</p> <p>9. To advise others on probity and ethics.</p> <p>10. To consider any alleged breaches of local protocols by members.</p> <p>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>	<p>Non Coalition Group (1)</p>	<p>Councillor Parrott</p>
<p>Health and Wellbeing Board</p> <p>Terms of Reference:</p> <p>1. To encourage those who arrange for the provision of any health or social care services in the area to work in an integrated manner for the purpose of advancing the health and wellbeing of the people in its area.</p> <p>2. To provide advice, assistance and support, as it thinks appropriate for the purpose of encouraging the making of arrangements under Section 75 (arrangements between NHS bodies and local authorities) of the National Health Service Act 2006 in connection with the provision of such services.</p>	<p>Up to five members of the Council (to be appointed by the Mayor);</p> <p>Director of Adult Social Services Director of Children's Services Director of Public Health A representative of Healthwatch Torbay A representative of South Devon and Torbay Clinical Commissioning Group</p>	

Name of Committee and Terms of Reference	Membership	Current Members
<p>3. To encourage those who arrange for the provision of health-related services in its area to work closely with the Health and Wellbeing Board.</p> <p>4. To encourage those who arrange for the provision of any health or social care services in its area and those who arrange for the provision of any health-related services in its area to work closely together.</p> <p>5. To exercise the functions of Torbay Council and South Devon and Torbay Clinical Commissioning Group under sections 116 (health and social care: joint strategic needs assessments) and 116A (health and social care: joint health and wellbeing strategy) of the Local Government and Public Involvement in Health Act 2007, namely:</p> <ul style="list-style-type: none"> • Preparation of a Joint Strategic Needs Assessment; and • Preparation of a Joint Health and Wellbeing Strategy. <p>6. To assess needs for pharmaceutical services in Torbay and publish a statement of its first assessment and of any revised assessment.</p> <p>7. To provide the Council its opinion on whether the local authority is discharging its duty under section 116B (duty to have regard to assessment and strategies) of the Local Government and Public Involvement in Health Act 2007.</p> <p>8. To exercise the statutory duty to promote co-operation between Torbay Council, its relevant partners and other partners or bodies as the Council considers appropriate, to improve the well-being of children in the area.</p> <p>9. To consider the annual report of the Torbay Safeguarding Children’s Board.</p> <p>10. To make any decisions that legislation or government guidance reserves to</p>	<p>Conservative (3)</p> <p>Liberal Democrat (1)</p> <p>Non Coalition Group (1)</p>	<p>Councillors Lewis, Pritchard and Scouler</p> <p>Councillor Doggett</p> <p>Councillor Morey</p>

Name of Committee and Terms of Reference	Membership	Current Members
<p>Health and Wellbeing Board's and/or proposes that Health and Wellbeing Boards would be appropriate forum for such decisions to be made.</p>		

Agenda Item 13



Meeting: Council **Date:** 1 May 2014

Wards Affected: All Wards in Torbay

Report Title: Provisional Calendar of Meetings for 2014/2015

Executive Lead Contact Details: Councillor Derek Mills
Executive Lead for Business Planning and Governance

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✉ E.mail derek.mills@torbay.gov.uk

Supporting Officer Contact Details: Kay Heywood

☎ Telephone 207026

✉ E.mail kay.heywood@torbay.gov.uk

1. Purpose

1.1 To seek approval for the provisional calendar of meetings for the 2014/2015 Municipal Year.

2. Proposed Decision

2.1 That the provisional calendar of meetings for 2014/2015, set out in Appendix 1 to this report, be approved for final ratification at the Annual Council Meeting.

2.2 That meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman.

3. Summary

3.1 The provisional calendar of meetings for 2014/2015 (attached at Appendix 1) has been prepared based on the Council's decision-making structure and in accordance with the Council's Standing Orders.

Supporting Information

4. Position

- 4.1 Before the end of each Municipal Year the Council considers the provisional calendar of meetings for the following Municipal Year, which is then ratified at the Annual Council Meeting.

The following meetings have been scheduled in the calendar for 2014/2015.

- Council;
- Development Management Committee;
- Licensing Committee;
- Licensing Sub-Committee;
- Harbour Committee;
- Health and Wellbeing Board
- Standards Committee;
- Audit Committee;
- Appeals Committee (Transport);
- Overview and Scrutiny Board;
- Health Scrutiny Board;

- 4.2 The meetings of the Council have been programmed to allow sufficient reporting time between the meetings for the plans and strategies which are required to be approved through the Council's Policy Framework process and for the budget setting process.
- 4.3 The draft calendar has also been structured to allow, wherever possible, for each type of meeting to be allocated a certain day e.g. Development Control Committee to meet on Mondays, Licensing Sub-Committees on Thursdays and Council on Thursdays.
- 4.4 Meetings of the Employment Committee and Civic Committee are proposed to be held on an ad hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman/woman.
- 4.5 The Health Scrutiny Board will be undertaking its work using Review Panel methodology with visits and informal meetings forming the basis of its work. The Health Scrutiny Liaison Group will continue to meet with the NHS Trusts during the course of the Year. Meetings of the Health Scrutiny Board will be arranged on an ad hoc basis, normally to discuss proposed changes in services. Due to the nature of service change, programmed meetings invariably do not meet the timetables required for such discussions and it is therefore more efficient for meetings to be arranged as required.

5. Possibilities and Options

- 5.1 Wherever possible the timings of meetings have been set in accordance with the needs of the Committee Members and the Public, for example the Licensing Sub-Committees convene at 9:30 a.m. which is suitable for those making representations. Timings are kept under constant review by the Governance Support Manager. There is a small risk that some people will still not be able to attend these meetings, however, in most cases where public participation is permitted, the Council will accept written representations to enable people to put their points of view across.

6. **Preferred Solution/Option**

- 6.1 Members may wish to set alternative dates for meetings. However, the meetings have been timetabled to allow sufficient time for the reporting of the plans and strategies which make up the Council's Policy Framework and the Council's budget setting process. A calendar of meetings is required under Standing Orders and facilitates the organisation of the Municipal Year.

7. **Consultation**

- 7.1 The Mayor, Group Leaders and the Executive Director have been consulted on the draft provisional calendar of meetings for 2014/2015.

8. **Risks**

- 8.1 Each Business Unit will be involved in preparing reports and officers will be required to present reports at meetings where appropriate.

Appendices

Appendix 1 Provisional Calendar of Meetings 2014/2015

Documents available in members' rooms

Additional Information

Background Papers:

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

Constitution of Torbay Council

SCHEDULE OF COUNCIL AND COMMITTEE MEETINGS

1 May 2014 - 31 May 2015

	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
Appeals Committee (Transport)	9:30 am Wednesday 21				10	8	12	10		11	11	22	6
Audit Committee	2:00 pm Wednesday	25			24				21		18		
Corporate Parenting Monitoring Group	27		14		24		10		21				
Council	Adjourned Annual Council 1		17		25	30		4		Adjourned 5 12 26			Annual Council 20 (Wed) Adjourned Annual Council 21
Development Management Committee	2:00 pm Monday 12	9	14	11	8	13	10	8	12	9	16	20	
Harbour Committee	5:30 pm Monday	23			22			15			23		
Health and Wellbeing Board	3:00 pm Thursday	5	31			2	20		29			2	
Health Scrutiny Board	4:00 pm Thursday ad hoc												
Licensing Committee	9:30 am Thursday 15						6						
Licensing Sub-Committee	9:30 am Thursday	5 12 19 26	3 10 17 24 31	7 14 21 28	4 11 18 25	2 9 16 23 30	13 20 27	4 11 18	8 15 22 29	5 12 19 26	5 12 19 26	2 9 16 23 30	
Overview and Scrutiny Board	5:30 pm Wednesday 21	18	9		3	22	26		28	18		8	
Priorities and Resources 2014/15 Review Panel			11	6 13 15 20					9 13 14 19				
Standards Committee	2:30 pm Wednesday	11					19			25			

Introduction from Cllr John Thomas, Overview and Scrutiny Co-ordinator

Your Overview and Scrutiny Board is a cross party Board of elected councillors who meet regularly throughout the year to consider the source and application of funds proposed and made by the Council. Our key task is to represent you, the citizen of the Bay, and to hold the Council's Executive to account in their use of such funding.

All local authorities are facing difficult times resultant upon the recent 4 year programme of reductions in grants given to local authorities by central government when Torbay has been obliged to implement budgetary reductions of more than 30%. Torbay Council has now had to implement a further reduction in its budget spend of £22 Million for the two years 2014/16 and the theme of ongoing reductions will continue up until at least 2018 by when it is estimated that Torbay Council will have been forced to reduce its Budget by over 60% over a period of 8 years.

The 2014/16 cuts to all services are severe, but in particular, it was evident to us that the proposed cut of more than 70% to the Supporting People Budget would have a major, and perhaps terminal, effect on some of the services provided to the vulnerable and the disadvantaged in Torbay.

Your Overview and Scrutiny Board invited and received representations from many external organisations that were to be affected by the cuts. Many representations called for a one year delay in the Supporting People cuts to provide time for the organisations to find alternative ways of funding their activities. Amongst its many final recommendations for the Budget, your Overview and Scrutiny Board supported these calls for a one year delay and I am pleased to be able to report that our recommendations were largely accepted. However, it is a fact that this can only be a delay as the reduction in central government grants to Torbay Council continues to bite.

I wish to thank all members of your Board and all elected members for the manner in which they undertook the task of scrutinising the proposed budget. No member was elected to preside over cuts to services but sadly the budget reductions are inevitable. It is the means by which they are implemented that we can hope to influence.

Overview and scrutiny...

- is one of the ways the Council improves services and the quality of people's lives in Torbay
- acts as the Council's "watchdog" and challenges decisions taken by the Mayor and looks at decisions in more detail
- reviews existing policies and issues of concern
- is a constructive and independent way of looking at an issue, highlighting areas that work well and suggesting where improvements can be made

This report gives details of the work which has been undertaken by the Overview and Scrutiny Board over the course of 2013/2014.

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Torquay
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Overview
& Scrutiny

Confidence in your Council



Priorities and Resources Review Panel

The Priorities and Resources Review Panel met over the course of the year to review the proposals being put forward for changes in service provision given the reduction in funding for the Council.

Earlier in the year, the Panel considered the proposals in relation to services for victims of domestic abuse. It also considered how Children's Services were making changes to address the overspend it was facing in its budget.

In January 2014, the Panel held a series of meetings to look in detail at the specific proposals put forward by the Mayor for savings from 1 April 2014. The Panel invited community groups, service providers, service users and members of the public to share their views on the proposals.

The Report of the Panel is available [here](#).

Welfare Reform

The Board have continued to review how the Council, together with its partners, are responding to the impacts of Welfare Reform. This is likely to continue to form part of its Work Programme in the coming year.

The Skills Gap in Torbay

In agreeing its previous report on Youth Unemployment, the Overview and Scrutiny Board recognised that many of the issues surrounding employment skills were beyond the control of the Council, as commissioning and funding comes via other agencies in Torbay.

The Board held an Inquiry Day hear the views of various organisations on how the whole community could work together to address the skills gap within Torbay both now and in the future to ensure a thriving and sustainable economy.

The Board will be meeting with representatives of schools early in the new year to see if it can influence how students can receive the best advice, guidance and training to equip them for the world of work, especially within the diverse sectors operating within Torbay.

Members of the Overview and Scrutiny Board

Cllr John Thomas
Cllr Neil Bent
Cllr Mark Kingscote
Cllr Ruth Pentney
Cllr Beryl McPhail
Cllr Jackie Stockman
Cllr Steve Darling
Cllr Bobbie Davies
Cllr Michael Hytche

The Board have held the Mayor to account on a range of issues over the course of the year. These issues include **Livermead Sea Wall**, **Torre Valley North Playing Field**, and the **Housing Allocations Policy**. Agendas and Minutes of meetings of the Overview and Scrutiny Board are available [online](#).

Plans for next year

The Work Programme for 2014/2015 is currently being developed. However, as the reducing financial outlook for the public sector continues, the Board will be looking to ensure that resources are used to the best effect and that the views of the community are considered when difficult decisions are ultimately made.

The Board will continue to operate using the principles of good scrutiny:

- provide “critical friend” challenge to executive policy-makers and decision-makers
- enable the voice and concerns of the public
- carried out by “independent minded governors” who lead and own the scrutiny role
- drives improvement in public services

Schedule 5 - Scheme of Delegation of Executive Functions to the Executive, Committees of the Executive and Officers

This Report is presented to the adjourned annual meeting of the Council on 1 May 2014 in accordance with Standing Orders A1.2(viii) and (xiii) and C2 to C4 for inclusion in the Council's Constitution.

1. 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 Culture and the Arts - Councillor Dave Butt	90 Marldon Road Paignton TQ3 3NW	Preston
Executive Lead for Safer Communities, Highways, Environment and Sport - Councillor Robert Excell	Excell Studio 203 Union Street Torre Torquay TQ1 4BY	Tormohun
Executive Lead for Health and Wellbeing - Councillor Chris Lewis	7 Lutyens Drive Paignton TQ3 3LA	Preston
Executive Lead for Business Planning and Governance - Councillor Derek Mills	5 Bascombe Close Churston Brixham TQ5 0JR	Churston with Galmpton
Executive Lead for Children, Schools and Families - Councillor Ken Pritchard	62 Lower Fowden Elbury Cove Paignton TQ4 6HS	Churston with Galmpton
Executive Lead for Tourism and Harbours - Councillor Jeanette Richards	Montana 217 Dartmouth Road Paignton TQ4 6LG	Blatchcombe
Executive Lead for Adult Social Care and Older People - Councillor Christine Scouler	4 Merryland Close Preston Paignton TQ3 1HT	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:	Corporate Lead for:	Main Director/ Executive Head
Mayor Gordon Oliver (Executive Lead for Employment and Regeneration, Finance and Audit)	<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> • Financial (including Capital and Revenue Budget and Budget Monitoring) • Corporate debt and creditor payments • Revenue and Benefits • Business Rates <p><i>(Devon Audit Partnership)</i> <i>(Local Enterprise Partnership)</i></p>	Prosperity: <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. ■ Encourage public and private sectors to develop employment of apprentices. ■ 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 Chief Operating Officer Economic Development Company Executive Head Finance

	Portfolio:	Corporate Lead for:	Main Director/ Executive Head
<p>Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy</p> <p>Councillor David Thomas</p>	<ul style="list-style-type: none"> • Spatial Planning • Housing Standards • Housing Options • Affordable housing • Facilities management • Energy 	<p>Prosperity:</p> <ul style="list-style-type: none"> ■ 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</p>
<p>Executive Lead for Culture and the Arts</p> <p>Councillor Dave Butt</p>	<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 <p><i>(Arts Council Regional Board)</i> <i>(Creative Torbay)</i> <i>(Archives – Devon County Council Partnership)</i> <i>(Cultural Champion for Torbay)</i></p>	<p>Happiness:</p> <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. 	<p>Executive Head Residents and Visitor Services</p>

	Portfolio:	Corporate Lead for:	Main Director/ Executive Head
<p>Executive Lead for Safer Communities, Highways, Environment and Sport</p> <p>Councillor Robert Excell</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 104</p>	<ul style="list-style-type: none"> • Safer Communities • Food Safety and Standards • Safety and Licensing • Trading Standards • Community Protection • Domestic Abuse Services • Partnerships • Localism • Closing the Gap • Cemeteries and Crematoria • Communication • Consultation • Community Development including Community Partnerships • Voluntary Sector Development • Champion for Volunteers • Emergency Planning • Corporate Health and Safety • Corporate Security - CCTV • Parking • Sport • Flooding and Drainage • Street Lighting • Strategic Transport • Highways management • Tree Services • Environmental Policy (including waste and carbon reduction) 	<p>Health:</p> <ul style="list-style-type: none"> ■ Promote sport and outdoor activity to improve health and wellbeing. ■ 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"> ■ Work towards keeping crime low by: <ul style="list-style-type: none"> ○ Maintaining focus on the night-time economy; and ○ Working with the Police and Crime Commissioner for resources to ensure crime levels remain low and people feel safe. ■ 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. 	<p>Director of Public Health</p> <p>Executive Head Community Safety</p> <p>Executive Head Residents and Visitor Services</p>

	Portfolio:	Corporate Lead for:	Main Director/ Executive Head
	<p><i>(Waste Disposal (TOR2)) (Torbay Coast and Countryside Trust) (Environment Agency)</i></p> <p><i>(Community Safety Partnership) (Riviera International Conference Centre)</i></p>	<p>Prosperity:</p> <ul style="list-style-type: none"> ■ Monitor the TOR2 contract for improved recycling, waste and clean streets. ■ Lobby to improve rail services. ■ Make it easier to get around the Bay by developing integrated transport where feasible. 	<p>Director of Place</p> <p>Executive Head Residents and Visitor Services</p>
<p>Executive Lead for Health and Wellbeing</p> <p>Councillor Chris Lewis</p>	<ul style="list-style-type: none"> ● Public Health <ul style="list-style-type: none"> Health Improvement Health Protection and Infection Control NHS Healthcare (incl GP and Hospitals) Services & Support ● Troubled Families (with Councillor Pritchard) ● Corporate Health and Safety ● Community Health <p><i>(Health and Wellbeing Board)</i></p>	<p>Health:</p> <ul style="list-style-type: none"> ■ 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. 	<p>Director of Public Health</p> <p>Executive Head Community Safety</p>

	Portfolio:	Corporate Lead for:	Main Director/ Executive Head
<p>Executive Lead for Business Planning and Governance</p> <p>Councillor Derek Mills</p>	<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 • Local Democracy • Civic engagement <p><i>(Torbay Town Centre Development Forum)</i></p>	<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 	<p>Director of Adult Services</p> <p>Director of Place</p> <p>Executive Head Information Services</p> <p>Executive Head Commercial Services</p> <p>Executive Head Business Services</p>
<p>Executive Lead for Children, Schools and Families</p> <p>Councillor Ken Pritchard</p>	<ul style="list-style-type: none"> • Safeguarding and wellbeing • Early Intervention • Children in Need • School Improvement • School Leadership • Youth Offending Team • Youth, Childrens and Family Centres • Early Years Services • Family Solutions • Integrated Youth Service • Troubled Families (with Councillor Lewis) • Children’s Commissioning <p><i>(Health and Wellbeing Board)</i></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 Excell 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:	Corporate Lead for:	Main Director/ Executive Head
<p>Executive Lead for Tourism and Harbours</p> <p>Councillor Jeanette Richards</p>	<ul style="list-style-type: none"> • Leisure, beaches, parks and open spaces • Special events • Tor Bay Harbour Authority • Public toilets <p><i>(English Riviera Tourism Company)</i></p>	<p>Happiness:</p> <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. 	<p>Director of Place</p> <p>Executive Head Residents and Visitor Services</p> <p>Executive Head Tor Bay Harbour Authority</p>
<p>Executive Lead for Adult Social Care and Older People</p> <p>Councillor Christine Couler</p>	<ul style="list-style-type: none"> • Adult Services <ul style="list-style-type: none"> Learning Disabilities Care Homes Domiciliary and Day Care Community Equipment Telecare and Telehealth • Commissioning Older People • Supporting People <ul style="list-style-type: none"> Commissioning Performance Management Community Engagement <p><i>(Torbay and Southern Devon Health and Care NHS Trust)</i> <i>(Health and Wellbeing Board)</i></p>	<p>Health:</p> <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 Pritchard) 	<p>Director of Adult 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 Operating Officer 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 Operating Officer 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.