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Friday, 17 May 2019

Adjourned Annual Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **Rosetor Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Tuesday, 28 May 2019** 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
Chief Executive

(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.)

A prosperous and healthy Torbay

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

Kate Spencer, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207012

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

Adjourned Annual Meeting of the Council Agenda

1. Opening of meeting

2. Apologies for absence

3. 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.)

4. Appointment of Overview and Scrutiny Co-ordinator and Scrutiny Lead Members

To appoint the Overview and Scrutiny Co-ordinator and the:

- Overview and Scrutiny Lead for Children's Services
- Overview and Scrutiny Lead for Adults and Public Health
- Overview and Scrutiny Lead for Place
- Overview and Scrutiny Lead for Corporate and Community Services.

(Note: Cabinet members shall not be appointed as the Overview and Scrutiny Co-ordinator or Overview and Scrutiny Leads.)

5. Appointments to Committees and Other Bodies for 2019

(Pages 4 - 25)

- (a) To appoint committees and other bodies, agree their terms of reference and to review the allocation of seats to political groups in line with statutory requirements.

- (b) To receive nominations from the group leaders of members to serve on those committees and other bodies.

(Note: outside bodies appointments will be made for a four year term from May 2019 to May 2023.)

6. **Calendar of Meetings for 2019/2020 to 2022/2023** (To Follow)
To approve the programme of ordinary meetings of the Council for the four year term up to May 2023.
7. **Composition and Constitution of the Cabinet and Record of Delegations of Executive Functions** (To Follow)
To receive details from the Leader of the Council of the composition and constitution of the Cabinet for 2019/2020, together with the record of delegations of Executive functions (in accordance with Standing Order C2).
8. **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.

(see <https://www.torbay.gov.uk/DemocraticServices/ieListMeetings.aspx?CId=458&info=1>)
9. **Overview and Scrutiny Annual Report 2018/2019** (Pages 26 - 28)
To receive the Overview and Scrutiny Annual Report for 2018/2019 (as set out in the attached report).
10. **Statutory Officer Appointments**
To confirm the following statutory officer appointments:
- (a) Returning Officer for local government elections (RO) (and associated Proper Officer roles), Acting Returning Officer for Parliamentary Elections, Electoral Registration Officer (ERO) and Proper Officer for the Local Authorities (Referendum) (Petitions and Directions) (England) Regulations 2001 – to be advised; and
 - (b) Interim Director of Social Services (DASS) – Joanna Williams.

Note

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



Meeting: Council

Date: 28 May 2019

Wards Affected: All Wards

Report Title: Review of Political Balance and Appointments to Committees and Other Bodies

Is the decision a key decision? No

When does the decision need to be implemented? Immediately

Supporting Officer Contact Details: Kate Spencer, telephone 01803 207014 and email kate.spencer@torbay.gov.uk

1. Proposal and Introduction

- 1.1 This report sets out a review of the political balance of the Council, appoints the Council's committees for the new municipal year, ensures the committees have appropriate terms of reference and that appointments to those bodies are made in accordance with the relevant statutory and Constitutional requirements.

2. Reason for Proposal

- 2.1 The Constitution requires Members at the Annual Meeting of the Council to determine which committees to establish for the forthcoming municipal year, their size and terms of reference and the allocation of seats in accordance with the rules of political balance.
- 2.2 Following the local elections on 2 May 2019 the Council is required to agree the appointments to outside bodies and other groups for the next four years.
- 2.3 The Council will establish the Licensing Committee for this municipal year and is also requested to establish the Licensing Sub-Committee in order to make effective and efficient use of resources and to ensure that the Council can continue to discharge its Licensing function

3. Recommendation(s) / Proposed Decision

- 3.1 **That, the overall political balance of the committees as set out at Appendix 1 to the submitted report, be approved;**
- 3.2 **That, subject to 3.1 above being approved, the committees be appointed with the terms of reference set out in Appendix 3 to the submitted report;**
- 3.3 **That, subject to 3.2 and 3.3 above being approved, nominations be received to fill the seats on the committees;**

- 3.4 That, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 be approved and the working parties be appointed with the Terms of Reference set out in Appendix 3;**
- 3.5 That, the outcome of the review and proposed appointments to the outside bodies and other groups for 2019 to 2023 set out in Appendix 4 to the submitted report be approved;**
- 3.6 That, a sub-committee of the Licensing Committee be established to comprise three members of the Licensing Committee;**
- 3.7 That the terms of reference of the Licensing Sub-Committee be to consider and determine all matters in connection with the licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles); and**
- 3.8 That the Licensing Sub-Committee be exempted from the rules of committee proportionality as defined in the Local Government and Housing Act 1989 and supporting regulations.**
- 3.9 That the Director of Corporate Services be authorised to make the necessary amendments to the following Policy Framework documents in order to reflect the decisions made in 3.2-3.5 above:**
- Investment and Regeneration Fund Strategy**
 - Housing Rental Company**
 - Corporate Asset Management Plan.**

Appendices

Appendix 1: Political Balance of Committees

Appendix 2: Political Balance of Working Parties

Appendix 3: Terms of Reference of Committees and Working Parties

Appendix 4: Outside Bodies and other groups (to follow)

Background Documents: None

Supporting Information

1. **Position and Background Information**

The election held on 2 May 2019 resulted in changes to the political composition of the Council. There are now 15 members of the Conservative Group, 13 members of the Liberal Democrat Group and 8 members of the Independent Group. The political balance is now:

Conservative Group	15 seats	= 41.67%
Liberal Democrat Group	13 seats	= 36.11%
Independent Group	8 seats	= 22.22%

Proportional distribution of seats on Committees is set out at Appendix 1.

Whilst not a legislative requirement, the Council has included in its Constitution for Working Parties to also be politically balanced. Proportional distribution of seats on Working Parties is set out at Appendix 2.

In respect of appointments to outside organisation and other groups, the Council has carried out an extensive review which has informed the appointments process for 2019. Appointments to outside bodies are made every four years (where possible) following the whole Council elections.

In order to ensure the Council uses its resources in an effective and efficient manner, it is proposed that Council appoints the Licensing Sub-Committee avoiding the necessity for a full Licensing Committee that would be convened solely to make this decision.

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

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

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

There is no direct contribution towards the Council's responsibilities as corporate parents. The legislation ensures that nominations to the seats on committees reflects the representation of different political groups on the Council.

<p>4.</p>	<p>How does this proposal tackle deprivation?</p> <p>As section 3 above.</p>
<p>5.</p>	<p>What are the financial and legal implications?</p> <p>Legal: 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:</p> <p>(a) that not all seats on the body are allocated to the same group;</p> <p>(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;</p> <p>(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</p> <p>(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.</p> <p>Given the results of the Local Election no group holds the majority of the Council's membership. Therefore, paragraph (b) no longer applies.</p> <p>The Council is required to determine the number of seats on each committee and the allocation of those seats to the political groups. Applying the principles of the Local Government and Housing Act 1989 and the supporting Regulations, the option for distribution would be proportional as set out at Appendix 1.</p> <p>The allocation of seats includes a statutory bar on members of the Cabinet on the Overview and Scrutiny Board and a Council decision to exclude members of the Cabinet from sitting on the Audit Committee.</p> <p>Political balance requirements may be dis-applied under Section 17, Local Government and Housing Act 1989 and Regulation 20, Local Government (Committees and Political Groups) Regulations 1990. This would allow the relevant seats to be allocated to another group. Any decision to dis-apply would require a unanimous vote of full Council.</p>

	<p>In respect of Working Parties, the Council's Constitution states that Working Parties considering non-executive functions will be appointed in accordance with the principles of political balance.</p> <p>Finance: None.</p>
6.	<p>What are the risks?</p> <p>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.</p>
7.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable.</p>
8.	<p>What consultation you have carried out?</p> <p>The Group Leaders have been consulted on the political balance calculations set out at Appendix 1 and Appendix 2.</p>

Political Balance of Committees

Conservative Group	15 seats	=	41.67%
Liberal Democrat Group	13 seats	=	36.11%
Independent Group	8 seats	=	22.22%

Committee	Conservative Group	Liberal Democrat Group	Independent Group	Total
Appeals Committee (School Transport)	3	3	1	7
Audit Committee (excluding Cabinet Members)	3	3	1	7
Civic Committee	3	3	1	7
Employment Committee (to include a Cabinet member)	2	2	1	5
Harbour Committee	3	3	2	8
Licensing Committee (excluding Cabinet Member with responsibility for Licensing)	6	5	4	15
Overview and Scrutiny Board (excluding Cabinet Members)	4	3	2	9
Planning Committee (excluding Cabinet Member with responsibility for Planning)	4	3	2	9
Standards Committee	3	2	2	7

Political Balance of Non-Executive Working Parties

Working Party	Conservative Group	Liberal Democrat Group	Independent Group	Total
Airshow Working Party	2	2	1	5
Community Asset Transfer Panel (including appropriate Cabinet Member)	2	1	1	4
Community Governance Review Working Party	3	3	2	8
Corporate Parenting Board	2	2	1	5
Harbour Asset Working Party (plus external advisors and membership restricted to Harbour Committee)	2	2	1	5
Harbour Budget Working Party (plus external advisors and membership restricted to Harbour Committee)	2	2	1	5
Oldway Mansion and Estate Working Party	2	2	1	5

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

Name and Terms of Reference	Membership
<p>Appeals Committee (Transport):</p> <p>To determine appeals in respect of school transport.</p>	<p>7 members of the Council in accordance with the political balance requirements</p> <p>Conservative (3)</p> <p>Liberal Democrat (3)</p> <p>Independent Group (1)</p>
<p>Audit Committee:</p> <ol style="list-style-type: none"> 1. To consider the Head of Internal Audit’s annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council’s corporate governance arrangements. 2. To consider summaries of specific Internal Audit reports as requested. 3. To consider reports dealing with the management and performance of the providers of Internal Audit Services. 4. To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale. 5. To consider the External Auditor’s Annual Letter, relevant reports, and the report to those charged with governance. 6. To consider specific reports as agreed with the External Auditor. 7. To comment on the scope and depth of external audit work and to ensure it gives value for money. 	<p>7 members of the Council excluding members of the Cabinet, in accordance with the political balance requirements</p> <p>Conservative (3)</p> <p>Liberal Democrat (3)</p> <p>Independent Group (1)</p>

Name and Terms of Reference	Membership
<p>8. To liaise with the Public Sector Audit Appointments Ltd 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>10. To support the Council’s compliance with the CIPFA Code of Practice for Treasury Management in Public Services including the role as nominated Committee to be responsible for ensuring effective scrutiny of the capital strategy, treasury management strategy and policies.</p>	
<p>Regulatory Framework</p>	
<p>11. To maintain a strategic overview of the Council’s Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour (the primary responsibility for considering and ensuring that the constitution is fit for purpose lies with the Monitoring Officer and the Standards Committee in relation to the codes of conduct).</p>	
<p>12. To maintain a strategic overview of the Council’s compliance with the prevailing Accounts and Audit Regulations.</p>	
<p>13. To review any issue referred to it by the Chief Executive, a Director, the Monitoring officer, Section 151 Officer (Chief Finance Officer) or any Council body.</p>	
<p>14. To monitor the effective development and operation of risk management and corporate governance in the Council.</p>	
<p>15. To monitor council policies on ‘Raising Concerns at Work’ and the ‘Anti-fraud and corruption strategy’ and the Council’s complaints process.</p>	

Name and Terms of Reference	Membership
<p>16. To consider the findings of reviews of the effectiveness of the system of internal control including the Annual Governance Statement and to recommend its adoption.</p> <p>17. To oversee the Council’s arrangements for corporate governance and consider necessary actions to ensure compliance with best practice.</p> <p>18. To review the Code of Corporate Governance.</p> <p>19. To monitor the Council’s compliance with its own and other published standards and controls.</p> <p>20. To maintain a strategic overview of the Council’s compliance with the Regulation of Investigatory Powers Act 2000 (RIPA).</p> <p>Accounts</p> <p>21. To consider the External Auditor’s report to those charged with governance on issues arising from the audit of the accounts.</p> <p>22. On behalf of the Council, to consider and approve the annual statement of accounts.</p>	
<p>Civic Committee:</p> <p>1. To consider nominations for the title of Honorary Freeman and Honorary Alderman and make recommendations to the Council as necessary following unanimous voting on acceptance of any nominations.</p>	<p>7 members of the Council in accordance with the political balance requirements</p> <p>Conservative (3)</p> <p>Liberal Democrat (3)</p> <p>Independent Group (1)</p>

Name and Terms of Reference	Membership
<p>Employment Committee:</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 Chief Executive on the appointment of Directors on Council owned companies. 6. To consider any disciplinary or grievance matters in relation to the Chief Executive. 7. To consider and determine requests for Flexible Retirement from Senior Officers. 	<p>5 members of the Council in accordance with the political balance requirements (to include a Cabinet member)</p> <p>Conservative (2)</p> <p>Liberal Democrat (2)</p> <p>Independent Group (1)</p>

Name and Terms of Reference	Membership
<p>Harbour Committee</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 Port Masterplan, 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 Tor Bay Harbour Port Masterplan 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 Council’s policy framework, and address any issues relating to performance; 4. review these terms of reference annually and request the Council to make any 	<p>9 members of the Council in accordance with the political balance requirements, plus up to five external non-voting advisors appointed by the Committee on a four year term.</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 (4)</p> <p>Liberal Democrat (3)</p> <p>Independent Group (2)</p>

Name and Terms of Reference	Membership
<p>necessary amendments and/or additions;</p> <p>5. review annually the powers delegated to the Head of Tor Bay Harbour Authority and refer any proposed changes to the Council for determination. The Committee itself shall not authorise any changes;</p> <p>6. consider any other matters referred to the Committee by the Head of Tor Bay Harbour Authority;</p> <p>7. establish any sub-committee or working parties as the Committee sees fit, in particular a Harbour Appointments Sub-Committee for the recruitment of advisors;</p> <p>8. recommend the format, composition and governance of the Harbour Liaison Forums and keep the arrangements under review;</p> <p>9. to provide strategic direction to the Head of Tor Bay Harbour Authority and the Leader of the Council in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority.; and</p> <p>10. appoint advisors following receipt of recommendations from the Harbour Appointments Sub-Committee. Appointments will be merit based and be in accordance with the Local Protocol for members of the Harbour Committee.</p>	
<p>Health and Wellbeing Board</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</p>	<p>Membership: Leader of the Council or their nominee Director of Adult Services and Housing Director of Children’s Services Director of Public Health A representative of Healthwatch Torbay</p>

Name and Terms of Reference	Membership
<p>Health Service Act 2006 in connection with the provision of such services.</p> <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 Health and Wellbeing Board’s and/or proposes that Health and Wellbeing</p>	<p>A representative of Devon Clinical Commissioning Group A representative of NHS England</p> <p>Non-voting Co-opted Members: Torbay and South Devon NHS Foundation Trust Police and Crime Commissioner Devon Partnership NHS Trust Torbay Community Development Trust Chairman of Safer Communities Torbay Chairman of Torbay Safeguarding Children Board Chairman of Torbay Safeguarding Adults Board Chairman of Torbay Together Representative from Devon and Cornwall Police Assistant Director of Community and Customer Services Representative of the Ageing Well Assembly Representative of Primary Care Representative of the Department for Work and Pensions Representative of Torbay Schools</p>

Name and Terms of Reference	Membership
Boards would be appropriate forum for such decisions to be made.	
<p>Licensing Committee:</p> <p>To carry out the Licensing functions of the Council.</p>	<p>15 members of the Council in accordance with the political balance requirements</p> <p>Conservative (6)</p> <p>Liberal Democrat (5)</p> <p>Independent Group (4)</p>
<p>Overview and Scrutiny Board:</p> <ol style="list-style-type: none"> 1. To approve and co-ordinate the work programme for the overview and scrutiny function for the year. 2. To appoint sub-committees and/or working parties to perform the overview and scrutiny function (the membership of such bodies to be in accordance with Standing Order D2 in relation to Overview and Scrutiny). 3. To appoint the Council’s representatives to the Heart of the South West Local Enterprise Partnership (LEP) Joint Scrutiny Committee. 4. To review or scrutinise decisions made, or other action taken, in connection with the discharge of functions which are the responsibility of the Cabinet. 5. To make reports or recommendations to the Authority or the Cabinet with respect to the discharge of functions which are the responsibility of the Cabinet. 6. To make reports or recommendations to the Authority or the Cabinet with respect to the discharge of functions which are not the responsibility of the Cabinet. 	<p>8 members of the Council in accordance with the political balance requirements (including the Overview and Scrutiny Co-ordinator and Overview and Scrutiny Lead Members) excluding Members of the Cabinet and the Chairman/woman of the Council plus 2 Diocesan and 2 Parent Governor Representatives</p> <p>Conservative (3)</p> <p>Liberal Democrat (3)</p> <p>Independent Group (2)</p>

Name and Terms of Reference	Membership
<p>7. To make reports or recommendations to the Authority or the Cabinet or the Council’s partner authorities (as defined by the Local Government and Public Involvement in Health Act 2007) on matters which affect the Authority's area or the inhabitants of that area.</p>	
<p>8. To consider all matters and issues arising from the Council’s power of scrutinising local health services in accordance with the Health and Social Care Act 2001, the National Health Service Act 2006 and Health and Social Care Act 2012.</p>	
<p>9. To consider all matters and issues arising from the Council’s power to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions in accordance with the Police and Justice Act 2006.</p>	
<p>10. To review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area in accordance with Flood and Water Management Act 2010.</p>	

Name and Terms of Reference	Membership
<p>Planning Committee:</p> <ol style="list-style-type: none"> 1. At all times to have regard to the Development Plan (as defined in S.38 of the Planning and Compulsory Purchase Act 2004) for Torbay. 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: <ul style="list-style-type: none"> Town and Country Planning, including <ul style="list-style-type: none"> • 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 • Enforcement; and • Environmental Assessment <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> 3. The Committee shall not determine any application (or other matter) in a manner that would (in the opinion of the Assistant Director Planning and Transport or the opinion of the Director of Place) not be in accordance with the Development Plan for Torbay unless they recommend such determination and the determination is consistent with the Assistant Director’s recommendation. 	<p>9 members of the Council (excluding the Cabinet Lead with responsibility for Planning, in accordance with the political balance requirements) with membership comprising, if reasonably possible, members from the various areas of the Borough</p> <p>Conservative (4)</p> <p>Liberal Democrat (3)</p> <p>Independent Group (2)</p>

Name and Terms of Reference	Membership
<p>If, contrary to officer recommendation, the Committee consider that an application (or other matter) shall be determined not in accordance with the Development Plan for Torbay then (unless their determination is consistent with the recommendation of the Assistant Director Planning and Transport) the item shall be referred to Council for determination.</p>	
<p>Standards Committee:</p> <ol style="list-style-type: none"> 1. To promote and maintain high standards of conduct by councillors, co-opted members and church and parent governor representatives. 2. To assist 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. 5. To advise, train or arrange to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members’ Code of Conduct. 6. To assist the Monitoring Officer in carrying out his/her responsibilities pursuant to the Code of Conduct and its protocols. 7. To review the Council’s local protocols as contained in the Constitution. 8. To review the Constitution in relation to ethics and probity issues. 9. To advise others on probity and ethics. 10. To consider any alleged breaches of local protocols by members. 11. To share experience with other standards committees. 	<p>7 members of Torbay Council in accordance with the political balance requirements</p> <p>Conservative (3)</p> <p>Liberal Democrat (2)</p> <p>Independent Group (2)</p>

Name and Terms of Reference	Membership
<p>The Council may arrange for the Standards Committee to exercise such other functions as the Council considers appropriate.</p>	
<p>Airshow Working Party</p> <ol style="list-style-type: none"> 1. To enable Members to be kept fully briefed on the progress of the Torbay Air Show 2. To monitor the budget allocated for the Torbay Air Show. 3. To consider how the Torbay Air Show can provide an opportunity to create greater benefits which support the Council’s broader corporate objectives (including providing opportunities for the Council’s Looked After Children). 	<p>5 members of the Council in accordance with the political balance requirements</p> <p>Conservative (2)</p> <p>Liberal Democrat (2)</p> <p>Independent (1)</p>
<p>Community Asset Transfer Panel</p> <p>To assess applications made at Stage 1 and Stage 2 of the Community Asset Transfer process in accordance with the criteria set out in the Community Asset Transfer Policy.</p>	<p>4 members of the Council in accordance with the political balance requirements, to include the appropriate Cabinet Member</p> <p>Conservative (2)</p> <p>Liberal Democrat (1)</p> <p>Independent (1)</p>

Name and Terms of Reference	Membership
<p>Community Governance Review Working Party</p> <p>To oversee impartially and objectively the implementation of the Community Governance Review and to report back to Full Council with recommendations based on the responses to the consultation.</p>	<p>8 members of the Council in accordance with the political balance requirements, to include the Leader of the Council</p> <p>Conservative (3)</p> <p>Liberal Democrat (3)</p> <p>Independent Group (2)</p>
<p>Corporate Parenting Board</p> <p>1. To provide a forum for regular, detailed discussions of issues in relation to, and a positive link with, our Children Looked After, in accordance with the Council’s Children Looked After and Corporate Parenting Strategy.</p>	<p>5 members of the Council in accordance with the political balance requirements</p> <p>Conservative (2)</p> <p>Liberal Democrat (2)</p> <p>Independent Group (1)</p>
<p>Harbour Asset Working Party (plus external advisors)</p> <p>1. To review all assets within Tor Bay Harbour and the Harbour Estate.</p> <p>2. To establish how each asset is performing.</p> <p>3. To identify any assets that are surplus.</p>	<p>5 members of the Council in accordance with the political balance requirements</p> <p>Conservative (2)</p> <p>Liberal Democrat (2)</p> <p>Independent Group (1)</p>

Name and Terms of Reference	Membership
<p>Harbour Budget Working Party (plus external advisors)</p> <ol style="list-style-type: none"> 1. To scrutinise the draft Tor Bay Harbour Authority budget prior to presentation to the Harbour Committee and to review the full range of harbour charges. 2. To assist Officers to monitor and review the budget ahead of each quarterly Harbour Committee meeting. 	<p>5 members of the Council in accordance with the political balance requirements</p> <p>Conservative (2)</p> <p>Liberal Democrat (2)</p> <p>Independent Group (1)</p>
<p>Oldway Mansion and Estate Working Party</p> <ol style="list-style-type: none"> 1. To review any condition surveys for buildings on the site. 2. To review proposals for use of buildings and grounds. 3. To ascertain community views in respect of these matters. 4. To make recommendations about how future use of building should be taken forward. 5. To identify relevant members from the local community and relevant representatives from the business, public and voluntary sectors to be invited to meetings. 6. To specify, fully cost and prioritise the works to Oldway as identified in Phase 1 of the DCA report (presented to Council on 21 June 2018). 7. To explore with the community all potential sources of funding for the entirety of the Phases, including, but not limited to: <ul style="list-style-type: none"> • Grant funding • Fund raising events 	<p>5 members of the Council in accordance with the political balance requirements</p> <p>Conservative (2)</p> <p>Liberal Democrat (2)</p> <p>Independent Group (1)</p>

Name and Terms of Reference	Membership
<ul style="list-style-type: none"> • Crowd funding • Business opportunities and investment • Legacies • Philanthropic contributions <p>8. To produce a flexible programme of proposed delivery of restoration works which aligns with the availability of funding.</p> <p>9. To provide strategic oversight of commissioning and delivery of any restoration works.</p>	

Annual Report 2018/2019



Foreword

Once again it has been a busy year for the Overview and Scrutiny Board, as can be seen from this report. As always we have taken a leading role in the Elected Mayor's Budget. I am pleased to say he listened to our recommendations and, in part, took them into account. In addition to the budget the Board has investigated a number of issues and I believe has made a difference in some of the key decisions made by the Elected Mayor and Council.

I would like to thank all the officers at the Town Hall for their help and assistance during our busy year. In particular I would like to thank Kate Spencer on behalf of the Board for her help, dedication and assistance throughout the year.

I would also like to thank all members of the Board who have played their part in our discussions and recommendations.

Councillor Chris Lewis
Overview and Scrutiny Co-ordinator

Introduction

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.

Torbay Council has agreed that overview and scrutiny should operate in accordance with following principles:

- Focusing on the issues which matter:
- Policy Development is of equal importance to "holding to account"
- The Forward Plan is the key tool for managing the decision making process
- The relationship between overview and scrutiny and the executive should seek to complement one another

- All Councillors should have the opportunity to help shape policy decisions at an early stage

This report gives details of the work which has been undertaken by the Overview and Scrutiny Board over the course of 2018/2019.

The operation of overview and scrutiny

The Council re-appointed Councillor Chris Lewis as the Overview and Scrutiny Co-ordinator in May 2018. He is supported by Councillors Barnby, Bent, Darling (S) and Long as Overview and Scrutiny Lead Members.

The membership of the Overview and Scrutiny Board over the course of the year has comprised Councillors Barnby, Bent, Bye, Darling (S), Lewis (C), Long, Morey and Sykes.

Focusing on the issues which matter

The Overview and Scrutiny Board has continued to undertake its health scrutiny duty and has maintained oversight of the implementation of the Sustainability and Transformation Plan for Devon. This has included receiving updates on the proposed merger of the two Clinical Commissioning Groups in Devon and the development of the accountable care system.

The Board has continued to receive regular reports on the Council's revenue and capital budgets. It has closely monitored the performance of Children's Services both in terms of outcomes for children and the costs of the service.

The Board has provided an assurance role on a number of projects within Council's Transformation Portfolio, including the ongoing review of the TOR2 contract.

Equal importance placed on policy development

The Board and its Monitoring Groups provided feedback during the development of a number of policies over the course of the year, including the Joint Health and Wellbeing Plan, the Disadvantage Strategy and the Annual Agreement between Torbay Council, the Clinical Commissioning Group and the Torbay and South Devon NHS Foundation Trust.

Complementing the work of the executive

The Overview and Scrutiny Board continue to seek to complement the work of the Elected Mayor and his executive. It regularly reviews the Forward Plan in order to identify issues which it would wish to consider ahead of final decisions being made. The Overview and Scrutiny Board held a series of meetings to discuss the Elected Mayor's proposals for the budget for 2019/2020.

Call-ins

The call-in process is one of the mechanisms which can be used to hold the Elected Mayor to account.

The purpose of call-in is to examine the decisions reached by the Elected Mayor (or other decision makers) and the reasoning behind those decisions. The process enables further public debate to be held on the subject. The Overview and Scrutiny Board can then consider whether the decision was appropriate and make recommendations accordingly.

Over the course of the year, the Overview and Scrutiny Board have considered five call-ins.

Future Work Programme

Following the Local Elections in May 2019, the Board determine how it will set its Work Programme within the new governance arrangements for Torbay Council. However, the Forward Plan will continue to be the key tool for managing the decision making process.

It is expected that the Board will play an active role in supporting the new Leader and Cabinet. In accordance with the Principles of Overview and Scrutiny, the Board will seek to involve all members in forthcoming issues from an early stage and to complement the work of the executive.

The formal Work Programme will be agreed by the Overview and Scrutiny Board at its first meeting in the new Municipal Year although it will continue to have the flexibility to react to issues as they arise.

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