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Dear Member

COUNCIL - MONDAY, 14 MAY 2018

I am now able to enclose, for consideration at the Monday, 14 May 2018 meeting of the Council, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
9.	Review of Political Balance and Appointments to Committees and Working Parties	(Pages 132 - 166)

Yours sincerely

June Gurry
Clerk



Meeting: Council

Date: 14 May 2018

Wards Affected: All Wards in Torbay

Report Title: Review of Political Balance and Appointments to Committees and Working Parties

Is the decision a key decision? No

When does the decision need to be implemented? Immediately

Executive Lead Contact Details: Gordon Oliver Elected Mayor, mayor@torbay.gov.uk

Supporting Officer Contact Details: Teresa Buckley, Governance Team Leader, (01803) 207013, teresa.buckley@torbay.gov.uk

1. Proposal and Introduction

- 1.1 To appoint the Council's committees and working parties for the new municipal year. In addition to ensure the committees and working parties have appropriate terms of reference and appointments to those bodies are made in accordance with the relevant statutory requirements.
- 1.2 The appointments also incorporate a review of political balance following changes to the membership of Liberal Democrat Group and Independent Group.

2. Reason for Proposal

- 2.1 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.
- 2.2 Following notifications from Councillor Stocks that she wishes to be a member of the Independent Group and from Councillor King that he wishes to be a member of the Liberal Democrat Group, the political balance for the Council needs amending.
- 2.3 The Council will establish the Licensing Committee for this municipal year and is also to 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 and working parties, as set out in Appendices 1 and 2 to the submitted report, be approved;
- 3.2 that, subject to 3.1 above being approved, the committees and working parties be appointed with the terms of reference set out in Appendix 3 to the submitted report;
- 3.3 that, subject to 3.1 above being approved, nominations be received to fill the seats on the committees;
- 3.4 that, a sub-committee of the Licensing Committee be established to comprise three Members of the Licensing Committee;
- 3.5 that the terms of reference of the Licensing Sub-Committee be to consider and determine all matters in connection with licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles);
- 3.6 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;
- 3.7 that the Governance Support Manager be authorised to empanel Members from the Licensing Committee to serve on the Licensing Sub-Committee as and when required; and
- 3.8 that the elected Mayor confirms the appointments to the Health and Wellbeing Board as set out in Appendix 2 to the submitted report.

Appendices

- Appendix 1 Political balance of Committees
 - Appendix 2 Political balance of Working Parties
 - Appendix 3 Appointments to Committees
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Supporting Information

4. Position

- 4.1 Notification has been received from Councillor Stocks that with effect from 27 April 2018 she wishes to be a member of the Independent Group and notification has been received from Councillor King that with effect from 1 May 2018 he wishes to be a member of the Liberal Democrat Group. This has resulted in changes to the political make-up of the Council. The new political composition of the Council is 20 members of the Conservative Group, 8 members of the Liberal Democrat Group, 4 members of the Independent Group, 3 ungrouped Independent members and 1 UK Independence Party (UKIP) member. The political balance is now:

Conservative Group	20 seats	= 55.56%
Liberal Democrat Group	8 seats	= 22.22%
Independent Group	4 seats	= 11.11%
Independent (Cllr Amil)	1 seat	= 2.78%

Independent (Cllr Excell)	1 seat	=	2.78%
Independent (Cllr Mills)	1 seat	=	2.78%
UKIP (Cllr Parrott)	1 seat	=	2.78%

- 4.2 The change in the political make-up of the Council has resulted in two seats on committees and one seat on Working Parties being allocated to the Independent Group as it has increased in size by one member. Proportional distribution of seats on committees is set out in Appendix 1 and working parties at Appendix 2.
- 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 and Licensing Sub-Committees are excluded from the requirements of political balance.
- 4.5 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.
- 4.6 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 (the Elected Mayor and co-opted members are not included in the calculation for proportionality purposes).
- 4.7 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.
- 4.8 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.

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. Risks

- 7.1 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.

Political Balance of Committees

Conservative Group	20 seats	= 55.56%
Liberal Democrat Group	8 seats	= 22.22%
Independent Group	4 seats	= 11.11%
Independent (Cllr Amil)	1 seat	= 2.78%
Independent (Cllr Excell)	1 seat	= 2.78%
Independent (Cllr Mills)	1 seat	= 2.78%
Independent (UKIP) (Cllr Parrott)	1 seat	= 2.78%

Committee	Conservative Group	Liberal Democrat Group	Independent Group	Independent (Cllr Amil)	Independent (Cllr Excell)	Independent (Cllr Mills)	UKIP (Cllr Parrott)	Total
Appeals Committee (School Transport)	4	1	1	0	0 1	0	0	7
Audit Committee (excluding Executive)	4	2	1	0	0	0	0	7
Civic Committee	4	2	0	1	0	0	0	7
Development Management Committee (excluding Executive Lead with responsibility for Planning)	5	2	4 2	0	0	0	0	9
Employment Committee (to include Executive member)	3	1	0	0	0	1	0	5
Harbour Committee	5	2	1	1	0	0	0	9

Committee	Conservative Group	Liberal Democrat Group	Independent Group	Independent (Cllr Amil)	Independent (Cllr Excell)	Independent (Cllr Mills)	UKIP (Cllr Parrott)	Total
Housing Committee (to include Executive Lead with responsibility for Housing)	4	1	1	0	0	0	1	7
Investment and Regeneration Committee	4	2	0 1	0	1	0	0	7
Licensing Committee (excluding Executive Lead with responsibility for Licensing)	8	3	1	0	1	1	1	15
Overview and Scrutiny Board (excluding Executive)	5	2	1	0	0	0	0	8
Standards Committee	4	2	1	0	0	0	0	7
	50	20	8 10	2	2	2	2	88

Political Balance of Non-Executive Working Parties

Working Party	Conservative Group	Liberal Democrat Group	Independent Group	Independent (Cllr Amil)	Independent (Cllr Excell)	Independent (Cllr Mills)	UKIP (Cllr Parrott)	Total
Adult Services and Public Health Monitoring Working Party	3	1	0 1	0	0	0	0	5
Airshow Working Party	3	1	0	1	0	0	0	5
Children's Services Monitoring Working Party	3	1	0	0	1	0	0	5
Community Asset Transfer Panel (including Executive Lead for Planning, Transport and Housing)	3	1	0	0	0	1	0	5
Constitution Working Party	3	1	1	0	0	0	0	5
Consultation, Communication and Engagement Working Party	3	1	1	0	0	0	0	5

Working Party	Conservative Group	Liberal Democrat Group	Independent Group	Independent (Cllr Amil)	Independent (Cllr Excell)	Independent (Cllr Mills)	UKIP (Cllr Parrott)	Total
Corporate Parenting Panel (including Executive Lead for Children)	3	1	0	0	0	0	1	5
Devolution Working Party	3	1	1	0	0	0	0	5
Financial Future Working Party (plus Elected Mayor)	4	1	1	0	0	0	0	6
Harbour Asset Working Party (plus external advisors)	3	2	0	0	0	0	0	5
Harbour Budget Working Party (plus external advisors)	3	2	0	0	0	0	0	5
Oldway Mansion and Estate Working Party	3	1	1	0	0	0	0	5
Town Centre Regeneration Programme Board (plus Elected Mayor, partners and officers)	4	1	1	0	0	0	0	6
	41	15	6	1	1	1	1	67

Working Party	Conservative Group	Liberal Democrat Group	Independent Group	Independent (Cllr Amil)	Independent (Cllr Excell)	Independent (Cllr Mills)	UKIP (Cllr Parrott)	Total
			7					

Schedule 4 – Terms of Reference

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

Name of Committee and Terms of Reference	Membership
<p>Appeals Committee (Transport):</p> <p>Terms of Reference:</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 (4) – Councillors Lewis, Manning, Skyes and David Thomas</p> <p>Liberal Democrat (1) – Councillor Steve Darling</p> <p>Independent Group (1) - Councillor Ellery</p> <p>Independent (1) - Councillor Excell</p>
<p>Audit Committee:</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To consider the Head of Internal Audit’s annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council’s corporate governance arrangements. 2. To consider summaries of specific Internal Audit reports as requested. 	<p>7 members of the Council excluding members of the Executive, in accordance with the political balance requirements</p> <p>Conservative (4) – Councillors Brooks, Bent, O’Dwyer, Tyerman</p> <p>Liberal Democrat (2) – Councillors Long and King</p>

Name of Committee and Terms of Reference	Membership
<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 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>Independent Group (1) – Councillor Morey</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>	

Name of Committee and Terms of Reference	Membership
12. To maintain a strategic overview of the Council’s compliance with the prevailing Accounts and Audit Regulations.	
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.	
14. To monitor the effective development and operation of risk management and corporate governance in the Council.	
15. To monitor council policies on ‘Raising Concerns at Work’ and the ‘Anti-fraud and corruption strategy’ and the Council’s complaints process.	
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.	
17. To oversee the Council’s arrangements for corporate governance and consider necessary actions to ensure compliance with best practice.	
18. To review the Code of Corporate Governance.	
19. To monitor the Council’s compliance with its own and other published standards and controls.	
20. To maintain a strategic overview of the Council’s compliance with the Regulation of Investigatory Powers Act 2000 (RIPA).	
Accounts	
21. To consider the External Auditor’s report to those charged with governance on issues arising from the audit of the accounts.	

Name of Committee and Terms of Reference	Membership
22. On behalf of the Council, to consider and approve the annual statement of accounts.	
<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 Honorary Alderman and make recommendations to the Council as necessary following unanimous voting on acceptance of any nominations. 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) – Councillors Brooks, Kingscote, Morris and Sykes</p> <p>Liberal Democrat (2) – Councillors Mandy Darling and Carter</p> <p>Independent (1) – Councillor Amil</p>
<p>Development Management Committee:</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. At all times to have regard to the adopted Torbay Local Plan 1995-2011 (“the Torbay Local Plan”) and, following submission to the Secretary of State, the new Torbay Local Plan 2012 - 2032. 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 	<p>9 members of the Council (excluding the Executive 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 (5) – Councillors Brooks, Kingscote, Barbara Lewis, Tolchard and Winfield</p> <p>Liberal Democrat (2) – Councillors Pentney and King</p>

Name of Committee and Terms of Reference	Membership
<ul style="list-style-type: none"> • 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> <p>3. The Committee shall not determine any application (or other matter) in a manner that would (in the opinion of the Executive Head of Business Services) not be in accordance with the adopted and/or new Torbay Local Plan unless both those Officers recommend such determination and the determination is consistent with the Executive Head’s recommendation.</p> <p>If, contrary to officer recommendation, the Committee consider that an application (or other matter) shall be determined not in accordance with the adopted and /or Torbay Local Plan then (unless their determination is consistent with the recommendation of the Executive Head of Business Services) the item shall be referred to Council for determination.</p>	<p>Independent Group (2) – Councillors Morey and Stockman</p>
<p>Employment Committee:</p> <p>Terms of Reference:</p> <p>1. To make recommendations to Council on the appointment of the Head of Paid Service including the terms and conditions of his/her employment.</p>	<p>5 members of the Council in accordance with the political balance requirements (to include an Executive member)</p> <p>Conservative (3) – Councillors</p>

Name of Committee and Terms of Reference	Membership
<p>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.</p> <p>3. To consider applications for the position of Coroner and to recommend to Council the person to be appointed to that post.</p> <p>4. To hear and determine appeals in relation to disciplinary matters, in relation to dismissal.</p> <p>5. To consider any matters referred by the Chief Executive on the appointment of Directors on Council owned companies.</p> <p>6. To consider any disciplinary or grievance matters in relation to the Chief Executive.</p> <p>7. To consider and determine requests for Flexible Retirement from Senior Officers.</p>	<p>Chris Lewis, John Thomas and Tyerman</p> <p>Liberal Democrat (1) – Councillor Darling</p> <p>Independent (1) – Councillor Mills</p>
<p>Harbour Committee:</p> <p>Terms of Reference:</p> <p>To determine all matters relating to the strategic management of the Council’s function as a Harbour Authority, in line with the Tor Bay Harbour Port Masterplan, the Council’s Policy Framework. Specifically the Committee will:-</p> <p>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):</p>	<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 and one non-voting advisor who is a private sector representative of the Board of the TDA.</p> <p>(Group Leaders will be asked to take account of the geographical spread of members in making</p>

Name of Committee and Terms of Reference	Membership
<p>(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;</p> <p>(b) approving the annual revenue budgets within the ring-fenced harbour accounts;</p> <p>(c) receiving quarterly budget monitoring reports and to approve variances as appropriate; and</p> <p>(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> <p>providing that no decision by the Harbour Committee shall impact adversely on the Council’s general fund or capital budget.</p> <p>2. to act as Duty Holder for the purposes of the Port Marine Safety Code;</p> <p>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;</p> <p>4. review these terms of reference annually and request the Council to make any necessary amendments and/or additions;</p> <p>5. review annually the powers delegated to the Executive Head Business Services 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 Executive Head Business Services;</p>	<p>appointments to the Committee)</p> <p>Conservative (5) – Councillors Bye, Hill, Manning, O’Dwyer and Robson</p> <p>Liberal Democrat (2) – Councillors Carter and Pentney</p> <p>Independent Group (1) – Councillor Ellery</p> <p>Independent (1) – Councillor Amil</p>

Name of Committee and Terms of Reference	Membership
<p>7. establish any sub-committee or working parties as the Committee sees fit, in particular a Harbour Appointments Sub-Committee for the recruitment of advisors;</p> <p>8. recommend the format, composition and governance of the Harbour Liaison Forums and keep the arrangements under review;</p> <p>9. to provide strategic direction to the Executive Head Business Services and the elected Mayor in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority.; and</p> <p>10. appoint advisors following receipt of recommendations from the Harbour Appointments Sub-Committee and the Board of TDA. 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 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>This is a Council Committee with up to five members of the Council (to be appointed by the elected Mayor);</p> <p>Membership: 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> <p>Mayor;</p>

Name of Committee and Terms of Reference	Membership
<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 Boards would be appropriate forum for such decisions to be made.</p>	<p>Executive Lead for Adults and Children; Executive Lead for Health and Wellbeing;</p> <p>Conservatives (2); Councillors Barnby and Stubbley</p> <p>Liberal Democrat (1); Councillor Mandy Darling</p> <p>Non-voting Co-opted Members: Torbay and Southern Devon Health and Care NHS Trust South Devon Healthcare NHS Foundation Trust Police and Crime Commissioner Devon Partnership NHS Trust Torbay Community Development Trust</p>
<p>Housing Committee:</p> <p>Terms of Reference:</p>	<p>7 members of the Council in accordance with the political balance requirements (to include the Executive Lead with responsibility for Housing)</p>

Name of Committee and Terms of Reference	Membership
1. The Housing Committee to have strategic oversight of delivery of the Council's Housing Strategy and "My home is My Life" plan.	Conservative (4) – Councillors O'Dwyer, Robson, David Thomas and Tyerman
2. To receive reports of overall performance and sub groups of the housing strategy as needed.	Liberal Democrat (1) – Councillor Steve Darling
3. To receive reports on national policy changes for housing and be advised as to how they impact or provide opportunities for Torbay.	Independent Group (1) – Councillor Stocks
4. To receive and approve Business Cases for developments/phases and therefore approve drawdowns of loans in accordance with the Prudential Borrowing limit set by Council.	Independent (1) – Councillor Parrott
5. To approve the disposal of any land to the Companies associated with any Business Cases/Phases considered.	
6. The Head of Finance can refer any proposed acquisition decision (irrespective of value) to Full Council for determination where he deems that this is in the best interest of the Council.	
7. In respect of the Housing Rental Company reserved matters, to consider the following; 7.1 Varying the quorum provisions for Director or Shareholder meetings. 7.2 Permitting the registration (upon subscription or transfer) of any person as a member of the Company other than the Council. 7.3 The creation, allotment or issue of any shares or the variation of any rights attaching to any Share 7.4 Granting any option or other interest (in the form of convertible securities or in any other form) over or in its Shares capital, redeeming or	

Name of Committee and Terms of Reference	Membership
<p>purchasing any of its own Shares or effecting any other reorganisation of its Shares capital.</p> <p>7.5 Issuing any loan capital in the Company or entering into any commitment with any person with respect to the issue of any loan capital.</p> <p>7.6 Making any borrowing arrangement, other than from the Council.</p> <p>7.7 Passing any resolution for its winding up or presenting any petition for its administration (unless it has become insolvent).</p> <p>7.8 Changing the nature/scope of the Company’s Business or commencing any new business by the Company which is not ancillary or incidental to the Business.</p> <p>7.9 Approving any Business Plan prepared by the Board.</p> <p>7.10 Taking any action or decision which would not be consistent with any adopted Business Plan and/or any approved Business Case.</p> <p>7.11 Forming any subsidiary or acquiring shares in any other company or participating in any partnership or joint venture (incorporated or not).</p> <p>7.12 Selling any part of the Business unless authorised through any adopted Business Plan.</p> <p>7.13 Amalgamating or merging with any other company or business undertaking.</p>	

Name of Committee and Terms of Reference	Membership
<p>7.14 The provision of letting agency services to others.</p> <p>7.15 Creating or granting any Encumbrance over the whole or any part of the Business, undertaking or assets of the Company or over any Shares in the Company or agreeing to do so other than liens arising in the ordinary course of business or any charge arising by the operation or purported operation of title retention clauses and in the ordinary course of business.</p> <p>7.16 Making any loan (otherwise than by way of deposit with a bank or other institution the normal business of which includes the acceptance of deposits or in the ordinary course of business) or granting any credit (other than in the normal course of trading) or giving any guarantee (other than in the normal course of trading) or indemnity (other than i in the normal course of trading).</p> <p>7.17 Altering any mandate given to the Company’s bankers relating to any matter concerning the operation of the Company’s bank accounts other than by the substitution of any person nominated as a signatory by the party entitled to make such nomination.</p> <p>7.18 Entering into any arrangement, contract or transaction (including the appointment of any agent or intermediary to conduct any of the Company’s Business) outside the normal course of its business.</p> <p>7.19 Making or permitting to be made any change in the accounting policies and principles adopted by the Company in the preparation of its audited and management accounts where such change would have an impact on the EBITDA.</p>	

Name of Committee and Terms of Reference	Membership
<p>7.20 Declaring or paying any dividend or making any other distribution (by way of capitalisation, repayment or in any other manner) out of the Company's distributable profits or any of its reserves other than an interim dividend in accordance with the Articles.</p> <p>7.21 (a) Making the initial decision for the Company to have its own employees (b) Granting any pension rights (Local Government Pension Scheme) to any director, officer, employee, former director, former officer or former employee, or any member of any such person's family.</p> <p>7.22 Dismissing any officer or employee in circumstances in which the Company incurs or agrees to bear redundancy or other costs in excess of £50,000 in total and dismissing any Director.</p> <p>7.23 Instituting, settling or compromising any material legal proceedings (other than debt recovery proceedings in the ordinary course of business) instituted or threatened against the Company or submitting to arbitration or alternative dispute resolution any dispute involving the Company.</p>	
<p>Investment and Regeneration Committee:</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To review the Investment and Regeneration Fund Strategy and make recommendations to the Council for revision of the same, when appropriate. 2. To determine any investment or purchase using the Investment and Regeneration Fund up to the value of £25 million, in accordance with the Investment Strategy. All investments or purchases to be subject to a 	<p>7 members of the Council in accordance with the political balance requirements (members to receive mandatory training, including any substitutes)</p> <p>Conservative (4) – Councillors O'Dwyer, Robson, David Thomas and Tyerman</p>

Name of Committee and Terms of Reference	Membership
<p>(documented) review by the s151 Officer, Monitoring Officer and Executive Head of Business Services (any of whom may require the proposal to be referred to Council for approval).</p> <p>3. To review with officer advice current and future investment opportunities.</p> <p>4. To determine when to receive external advice on investment opportunities.</p> <p>5. To receive performance reports on the Investment and Regeneration Fund on a quarterly basis.</p>	<p>Liberal Democrat (2) – Councillors Steve Darling and Pentney</p> <p>Independent Group (1) – Councillor Stocks</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 in accordance with the political balance requirements</p> <p>Conservative (8) – Councillors Barbara Lewis, Manning, Morris, Stubley, Sykes, David Thomas, John Thomas and Tolchard</p> <p>Liberal Democrat (3) – Councillors King, Pentney plus one vacancy (tbc)</p> <p>Independent Group (1) – Councillor Stocks</p> <p>Independents (3) – Councillors Excell, Mills, Parrott</p>
<p>Overview and Scrutiny Board:</p> <p>Terms of Reference:</p>	<p>8 members of the Council in accordance with the political balance requirements (including the Overview and Scrutiny Co-</p>

Name of Committee and Terms of Reference	Membership
1. To approve and co-ordinate the work programme for the overview and scrutiny function for the year.	ordinator and Scrutiny Lead Members) excluding the elected Mayor, other members of the Executive and the Chairman/woman of the Council plus 2 Diocesan and 2 Parent Governor Representatives
2. To appoint sub-committees and/or working parties to perform the overview and scrutiny function (the membership of such bodies to be in accordance with Standing Order D2 in relation to Overview and Scrutiny).	
3. To review or scrutinise decisions made, or other action taken, in connection with the discharge of functions which are the responsibility of the Executive.	Conservative (5) – Councillors Brooks, Bent, Bye, Chris Lewis and Sykes
4. To make reports or recommendations to the Authority or the Executive with respect to the discharge of functions which are the responsibility of the Executive.	Liberal Democrat (2) – Councillors Steve Darling and Long
5. 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.	Independent Group (1) – Councillor Morey
6. 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.	
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.	
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.	

Name of Committee and Terms of Reference	Membership
<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>Policy Development and Decision Group (Joint Operations Team) and Policy Development and Decision Group (Joint Commission Team):</p> <p>Terms of Reference</p> <ol style="list-style-type: none"> 1. to begin early discussions on developing policy in key areas (notably, but not exclusively to those areas that are covered by the Council's Budget and Policy Framework, or are considered Key Decisions) and to review forthcoming issues in the Forward Plan; 2. to review and offer opinions/guidance on the policy/development options put forward by officers to assist in the development of Equality Impact Assessments and other formal papers prior to the decision making process; 3. to consider the most appropriate form of wider consultation and review the outcomes of consultation; 4. to receive and make recommendations to the Mayor on Overview and Scrutiny reports; and 5. to receive reports and make recommendations to the Mayor on Executive decisions to enable the Mayor to make decisions at Policy Development Decision Groups. 	<p>These are Executive Committees comprising the Elected Mayor and Executive Leads (to be appointed by the Elected Mayor)</p>
<p>Standards Committee:</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 6. To promote and maintain high standards of conduct by the elected Mayor, 	<p>7 members of Torbay Council in accordance with the political balance requirements</p>

Name of Committee and Terms of Reference	Membership
<p>councillors, co-opted members and church and parent governor representatives.</p> <ol style="list-style-type: none"> 2. To assist the elected 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. 5. To advise, train or arrange to train the elected Mayor, 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>The Council may arrange for the Standards Committee to exercise such other functions as the Council considers appropriate.</p>	<p>Conservative (4) – Councillors Bye, O’Dwyer, David Thomas and John Thomas</p> <p>Liberal Democrat (2) – Councillors Pentney and Sanders</p> <p>Independent Group (1) – Councillor Morey</p>
<p>Adult Services and Public Health Monitoring Working Party</p> <p>Terms of Reference:</p>	<p>5 members of the Council in accordance with the political balance requirements</p>

Name of Committee and Terms of Reference	Membership
<ol style="list-style-type: none"> 1. To provide strategic political interface between elected members and the Executive Lead for Adults and Children and the Directors of Adult Services and Public Health. 2. To understand the key priorities for Adult Services and Public Health. 3. To be fully briefed on the changes within Adult Services and Public Health especially in respect of the arrangements with the Integrated Care Organisation, changes arising from the Devon-wide Sustainability and Transformation Plan and changes in Government legislation and/or guidance. 4. To understand the financial situation in relation to Adult Services and Public Health. 	<p>Conservative (3) – Councillors Brooks, Bent and Sykes</p> <p>Liberal Democrat (1) – Councillor Mandy Darling</p> <p>Independent Group (1) – Councillor Ellery</p>
<p>Airshow Working Party</p> <p>Terms of Reference:</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 (3) – Councillors Bent, Hill and Winfield</p> <p>Liberal Democrat (1) – Councillor Carter</p> <p>Independent (1) – Councillor Amil</p>
<p>Children’s Services Monitoring Working Party</p> <p>Terms of Reference:</p>	<p>5 members of the Council in accordance with the political balance requirements</p>

Name of Committee and Terms of Reference	Membership
<ol style="list-style-type: none"> 1. To provide strategic political interface between elected members and the Executive Lead for Adults and Children and the Director of Children’s Services; 2. To understand the key priorities for Children’s Services; 3. To be fully briefed on progress of improvements within Children’s Services; and 4. To understand the financial situation and plans for recovery of Children’s Services. 	<p>Conservative (3) – Councillors Brooks, Sykes and Tyerman</p> <p>Liberal Democrat (1) – Councillor Steve Darling</p> <p>Independent (1) – Councillor Excell</p>
<p>Community Asset Transfer Panel</p> <p>Terms of Reference:</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>5 members of the Council in accordance with the political balance requirements, to include the Executive Lead responsible for Planning</p> <p>Conservative (3) – Councillors Chris Lewis, Robson and Stubley</p> <p>Liberal Democrat (1) – Councillor Steve Darling</p> <p>Independent (1) – Councillor Mills</p>
<p>Constitution Working Party</p> <p>Terms of Reference:</p>	<p>5 members of the Council in accordance with the political balance requirements</p>

Name of Committee and Terms of Reference	Membership
<ol style="list-style-type: none"> 1. To prepare the Constitution for a Leader and Cabinet model of governance and make recommendations to Council. 2. To consider representations and make recommendations to Council on the review of polling districts, polling places and polling stations having due regard to legislation and Electoral Commission guidance. 	<p>Conservative (3) – Councillors Hill, David Thomas and Tolchard</p> <p>Liberal Democrat (1) – Councillor Sanders</p> <p>Independent Group (1) – Councillor Ellery</p>
<p>Consultation, Communication and Engagement Working Party</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To develop the approach for improving Members and officers working together to ensure that Members are aware of all engagement activity. 2. To develop approaches to ensure Members are equipped to promote and be involved in engagement activity. 3. To develop a set of key performance indicators against which this strategy and the action plan can be measured. 	<p>5 members of the Council in accordance with the political balance requirements</p> <p>Conservative (3) – Councillors Hill, Manning and Stubbley</p> <p>Liberal Democrat (1) – Councillor Sanders</p> <p>Independent Group (1) – Councillor Stocks</p>
<p>Corporate Parenting Panel</p> <p>Terms of Reference:</p> <p>Purpose:</p> <ol style="list-style-type: none"> 1. To lead on behalf of the Council and partners of the Local Authority to ensure that all services directly provided for children and young people in care and care leavers are delivered to a high standard and to all statutory requirements; 	<p>5 members of the Council in accordance with the political balance requirements, to include the Executive Lead responsible for Children</p> <p>Conservative (3) – Councillors Brooks, Bye and Tolchard</p> <p>Liberal Democrat (1) – Councillor</p>

Name of Committee and Terms of Reference	Membership
<p>2. To raise the aspiration, ambitions and life chances of children and young people in care, narrowing the gap of achievement and outcomes between children in care and their peers;</p> <p>3. To ensure that children in care are protected and supported to develop as healthy citizens, able to participate fully in their community.</p> <p>4. To ensure that all elected members are aware of their corporate parenting responsibilities and that all Council services are mindful of the needs of children in care and respond accordingly within their particular remit.</p> <p>Functions:</p> <p>5. To receive regular reports in relation to the adoption, fostering, commissioning, children looked after services, care leavers and the virtual school with a view to identifying any areas of underperformance and recommending any changes.</p> <p>6. To ensure that the principles of the corporate parenting are incorporated within key plans, policies and strategies of the Council including interagency working arrangements.</p> <p>7. To review reports relating to complaints from looked after children to ensure officers have dealt with these appropriately and made any recommendations for change.</p> <p>8. To raise awareness in Torbay Council and amongst its partners and the wider community by promoting the role of members as corporate parents and the Council as a corporate family with key responsibilities;</p> <p>9. To raise the profile of the needs and achievements of children looked after and care leavers through a range of celebratory events/activities determined by children looked after and care leavers.</p>	<p>Steve Darling</p> <p>Independent (1) – Councillor Parrott</p> <p>Note: The Panel will also include a representatives from the Children in Care Council and a foster carer. In addition, membership will include partners to support the delivery of key priorities in particular a senior local police officer, a Head Teacher, and designated health lead.</p>

Name of Committee and Terms of Reference	Membership
<p>10. To ensure that leisure, cultural, further education and employment opportunities are provided and taken up by our children looked after and care leavers;</p> <p>11. To ensure that the views of children and young people are regularly heard through the Corporate Parenting Panel to improve educational, health and social outcomes.</p> <p>12. To meet with children and young people in care, frontline staff and foster carers to inform the Panel of the standards of care and improvement outcomes for children looked after.</p> <p>13. To monitor the ongoing commitment to providing support, training and clarity of expectations for foster carers to provide excellent and high quality care.</p> <p>14. To appoint elected members as Champions for Children in Care in respect of the following strands:</p> <ul style="list-style-type: none"> • Housing; • Employment and training opportunities within council departments and with partner agencies; • Health (including mental health); • Educational Attainment and access to Higher Education; • Foster carer recruitment and retention; and • Response to those who go missing. 	
<p>Devolution Working Party</p> <p>Terms of Reference:</p>	<p>5 members of the Council in accordance with the political balance requirements</p>

Name of Committee and Terms of Reference	Membership
<p>1. To explore opportunities for Devolution.</p>	<p>Conservative (3) – Councillors Bent, David Thomas and Tyerman</p> <p>Liberal Democrat (1) – Councillor Sanders</p> <p>Independent Group (1) – Councillor Morey</p>
<p>Financial Future Working Party</p> <p>Terms of Reference:</p> <p>1. To review in detail the Council’s Medium Term Resource Plan and Capital Expenditure and their underlying budgets to understand inter alia;</p> <p style="padding-left: 40px;">(a) services that are statutory and have to be delivered, and services that are discretionary and can cease to be provided, and the relative costs of the same,</p> <p style="padding-left: 40px;">(b) opportunities for income generation including additional investments;</p> <p>2. To oversee an education programme for the residents of Torbay to ensure they are fully aware of the Council’s financial challenges;</p> <p>3. To make representations to Government in respect of the Council’s financial position;</p> <p>4. To consider the potential for holding a referendum to increase Council Tax above the cap set by Government, including undertaking any consultation; and the arrangements that would need to be put in place for a referendum; and</p>	<p>6 members of the Council in accordance with the political balance requirements, plus the Elected Mayor</p> <p>Conservative (4) – Councillors Brooks, Chris Lewis, David Thomas and Tyerman</p> <p>Liberal Democrat (1) – Councillor Steve Darling</p> <p>Independent Group (1) – Councillor Morey</p>

Name of Committee and Terms of Reference	Membership
5. To make any appropriate recommendations to the Executive and Council on any of these matters.	
<p>Harbour Asset Working Party (plus external advisors)</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To review all assets within Tor Bay Harbour and the Harbour Estate. 2. To establish how each asset is performing. 3. To identify any assets that are surplus. 	<p>5 members of the Council in accordance with the political balance requirements</p> <p>Conservative (3) – Councillors Bye, Hill and Robson</p> <p>Liberal Democrat (2) – Councillors Carter and Pentney</p>
<p>Harbour Budget Working Party (plus external advisors)</p> <p>Terms of Reference:</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 (3) – Councillors Bye, Manning and O’Dwyer</p> <p>Liberal Democrat (2) – Councillors Carter and Pentney</p>
<p>Oldway Mansion and Estate Working Party</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To review any condition surveys for buildings on the site. 	<p>5 members of the Council in accordance with the political balance requirements</p> <p>Conservative (3) – Councillors</p>

Name of Committee and Terms of Reference	Membership
<ol style="list-style-type: none"> 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. 	<p>Robson, Sykes and Winfield</p> <p>Liberal Democrat (1) – Councillor Doggett</p> <p>Independent Group (1) – Councillor Morey</p>
<p>Town Centre Regeneration Programme Board</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To approve the programme plan, which will lists all work programmes and projects, and agree the schedule of delivery and authorise any deviation from it. 2. To consider the allocation of time and resources necessary to meet the Programme objectives. 3. To confirm programme tolerances (budget, time and quality). 4. Manage Programme Risks – i.e. to both assess risks (i.e. barriers to delivery and risks of success) and ensure that all identified risks are managed effectively and efficiently – by ensuring: <ol style="list-style-type: none"> (a) that suitable counter-measures are developed and deployed to reduce likelihood and/or impact of risk; and, (b) that where required - i.e. for high impact probability risks – suitable contingency plans re; identified risk/s are put in place and deployed to reduce impact of risk if/when it materialises. 	<p>6 members of the Council in accordance with the political balance requirements, plus the Elected Mayor, partners and officers</p> <p>Conservative (4) – Councillors Bye, Chris Lewis, Robson and David Thomas</p> <p>Liberal Democrat (1) – Councillor Steve Darling</p> <p>Independent Group (1) – Councillor Morey</p>

Name of Committee and Terms of Reference	Membership
<p>5. To ensure that the required resources are committed for each phase and arbitrate on any conflicts within the Programme or negotiate a solution to any problems between the Programme and external bodies – also ensure that resources required to manage risks and issues are identified/agreed and sourced.</p> <p>6. To review each completed Phase and approve progress to the next stage.</p> <p>7. To approve changes to the Programme scope and timescales.</p> <p>8. To assist and support the Masterplan Delivery Team in the resolution of issues and risks escalated to it.</p> <p>9. To provide assurance that all Acceptance Criteria have been met; ensuring implementation includes appropriate handling of equal opportunities issues.</p> <p>10. To decide the recommendations for follow-on actions and transfer these to appropriate authorities.</p> <p>11. To engage with and take market advice from any advisory team(s) established.</p>	