



Clerk: June Gurry
Telephone: 01803 207013
E-mail address: democratic.services@torbay.gov.uk
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Democratic Services
Town Hall
Castle Circus
Torquay
TQ1 3DR

Dear Member

COUNCIL - TUESDAY, 24 MAY 2011

I am now able to enclose, for consideration at the Tuesday, 24 May 2011 meeting of the Council, the following revised report.

Agenda No	Item	Page
12.	Appointments to Committees and Other Bodies for 2011/2012	(Pages 57 - 68)

Yours sincerely

June Gurry
Clerk

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Appointments to Committees and Working Parties – Revised Appendix 2

Name of Committee and Terms of Reference	Membership	Members
<p>Overview and Scrutiny Board:</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To approve and co-ordinate the work programme for the overview and scrutiny function for the year. 2. To appoint sub-committees and/or working parties to perform the overview and scrutiny function (the membership of such bodies to be in accordance with Standing Order D2 in relation to Overview and Scrutiny). 3. To review or scrutinise decisions made, or other action taken, in connection with the discharge of functions which are the responsibility of the Executive. 4. To make reports or recommendations to the Authority or the Executive with respect to the discharge of functions which are the responsibility of the Executive. 5. To review or scrutinise decisions made, or other action taken, in connection with the discharge of functions which are not the responsibility of the Executive. 6. To make reports or recommendations to the Authority or the Executive with respect to the discharge of functions which are not the responsibility of the Executive. 	<p>9 members of the Council (including the Overview and Scrutiny Co-ordinator and Scrutiny Lead Members) excluding the Mayor, other members of the Executive and the Chairman/woman of the Council plus 2 Diocesan and 2 Parent Governor Representatives</p> <p>Conservative (6):</p> <p>Liberal Democrat (2):</p> <p>Non-Coalition Group (1):</p> <p>Co-opted Members (4):</p>	<p>Councillors Barnby, Bent, Butt, James, Kingscote and Thomas (J),</p> <p>Councillors Darling and Pentney</p> <p>Councillor Parrott</p> <p>Penny Burnside (Church of England Representative) and Mr Leon Butler (Parent Governor)</p>

Name of Committee and Terms of Reference	Membership	Members
<p>7. To make reports or recommendations to the Authority or the Executive or the Council's partner authorities (as defined by the Local Government and Public Involvement in Health Act 2007) on matters which affect the Authority's area or the inhabitants of that area.</p> <p>8. To consider all matters and issues arising from the Council's power of scrutinising local health services in accordance with the Health and Social Care Act 2001.</p> <p>9. To consider all matters and issues arising from the Council's power to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions in accordance with the Police and Justice Act 2006.</p> <p>10. To review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area in accordance with Flood and Water Management Act 2010.</p>		<p>Representative), plus 1 Roman Catholic Diocesan Representative vacancy and 1 Parent Governor Representative vacancy</p>
<p>Audit Committee:</p> <p>Terms of Reference:</p> <p>1. To consider the Head of Internal Audit's annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.</p> <p>2. To consider summaries of specific Internal Audit reports as requested.</p>	<p>6 members of the Council excluding members of the Executive, in accordance with the political balance requirements</p> <p>Conservative (4):</p>	<p>Councillors Addis, Bent, Brooksbank and Hill</p>

Name of Committee and Terms of Reference	Membership	Members
<p>3. To consider reports dealing with the management and performance of the providers of Internal Audit Services.</p> <p>4. To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.</p> <p>5. To consider the External Auditor's Annual Letter, relevant reports, and the report to those charged with governance.</p> <p>6. To consider specific reports as agreed with the External Auditor.</p> <p>7. To comment on the scope and depth of external audit work and to ensure it gives value for money.</p> <p>8. To liaise with the Audit Commission over the appointment of the Council's external auditor.</p> <p>9. To commission work from Internal and External Audit within approved resources.</p> <p>Regulatory Framework</p> <p>10. To maintain a strategic overview of the Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour (the primary responsibility for considering and ensuring that the constitution is fit for purpose lies with the Monitoring Officer and the Standards Committee in relation to the codes of conduct).</p> <p>11. To review any issue referred to it by the Chief Executive, a Commissioner, the Monitoring officer, Section 151 Officer or any Council body.</p>	<p>Liberal Democrat (2):</p>	<p>Councillors Pentney and Stringer</p>

Name of Committee and Terms of Reference	Membership	Members
<p>12. To monitor the effective development and operation of risk management and corporate governance in the Council.</p> <p>13. To monitor council policies on 'Raising Concerns at Work' and the 'Anti-fraud and corruption strategy' and the Council's complaints process.</p> <p>14. To oversee the production of the authority's Statement on Internal Control and to recommend its adoption.</p> <p>15. To oversee the Council's arrangements for corporate governance and consider necessary actions to ensure compliance with best practice.</p> <p>16. To review the Code of Corporate Governance.</p> <p>17. To monitor the Council's compliance with its own and other published standards and controls.</p> <p>Accounts</p> <p>18. On behalf of the Council, to approve the annual statement of accounts.</p> <p>19. To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.</p>		
<p>Development Management Committee:</p> <p>Terms of Reference:</p> <p>1. At all times to have regard to the Torbay Local Plan 1995-2011 ("the Torbay Local Plan").</p>	<p>9 members of the Council with membership comprising, if reasonably possible, members from the various areas of the</p>	

Name of Committee and Terms of Reference	Membership	Members
<p>2. To consider and (if appropriate) determine (unless such determination is reserved by law to Council) all applications and all other matters (including issuing notices, making Orders and requesting the Monitoring Officer to issue civil or criminal proceedings) relating to:</p> <ul style="list-style-type: none"> Town and Country Planning Conservation Areas Listed Buildings Scheduled Ancient Monuments The display of advertisements Tree Preservation Orders Complaints about high hedges Public Rights of Way Minerals Highways matters Waste <p>so far as they are set out in Schedule 2 of this Part 3 of the Constitution (Council Functions) or are identified as Council functions in Schedule 1 of this Part 3 (Local Choice Functions): i.e. so far as they are not Executive functions.</p> <p>3. The Committee shall not determine any application (or other matter) in a manner that would (in the opinion of either the Executive Head of Spatial Planning) not be in accordance with the Torbay Local Plan unless both those Officers recommend such determination and the determination is in entire accordance with their recommendation. If the Committee consider that an application (or other matter) shall be determined not in accordance with the Torbay Local Plan then (unless their determination is in accordance with the recommendation of the Executive Head of Spatial</p>	<p>Borough</p> <p>Conservative (6)</p> <p>Liberal Democrat (2):</p> <p>Non-Coalition Group (1):</p>	<p>Councillors Addis, Barnby, Hill, Kingscote and McPhail plus one vacancy</p> <p>Councillors Baldrey and Pentney</p> <p>Councillor Morey</p>

Name of Committee and Terms of Reference	Membership	Members
<p>Planning) the item shall be referred to Council for determination.</p> <p>4. The Committee shall not determine any application (or other matter) that relates to land owned, controlled or occupied by the Council in a manner that is not in accordance with the recommendation of the Executive Head of Spatial Planning. If the Committee consider that an application (or other matter) that relates to land owned, controlled or occupied by the Council shall be deferred or determined not in accordance with the recommendation of the Executive Head of Spatial Planning the Executive Head may refer that matter to Council for consideration or determination.</p>		
<p>Licensing Committee:</p> <p>Terms of Reference:</p> <p>To carry out the Licensing functions of the Council.</p>	<p>15 members of the Council (politically balanced)</p> <p>Conservative (8):</p> <p>Liberal Democrat (4):</p> <p>Non-Coalition Group (2):</p> <p>Labour (1):</p>	<p>Councillors Addis, Amil, Barnby, Bent, Brooksbank, Butt, Hytche and James</p> <p>Councillors Doggett, Faulkner (A), Pentney and Stocks</p> <p>Councillors Ellery and Parrott</p> <p>Councillor Cowell</p>

Name of Committee and Terms of Reference	Membership	Members
<p>Harbour Committee:</p> <p>Terms of Reference:</p> <p>To determine all matters relating to the strategic management of the Council's function as a Harbour Authority, in line with the Tor Bay Harbour and Maritime Strategy, the Council's Policy Framework. Specifically the Committee will:-</p> <ol style="list-style-type: none"> 1. manage all of the Harbour's financial matters in accordance with approved financial procedures and the Council's aspirations for the harbour to be self-financing as outlined in the Harbour and maritime strategy and including (but not limited to): <ol style="list-style-type: none"> (a) the setting of harbour charges from time to time (including in-year changes to the schedule) normally following consultation with the relevant Harbour Liaison Forums; (b) approving the annual revenue budgets within the ring-fenced harbour accounts; (c) receiving quarterly budget monitoring reports and to approve variances as appropriate; and (d) monitoring the harbour reserve funds and to seek to ensure that the funds are kept above an appropriate minimum contingency level and ensure the harbour remains self-financing; <p>providing that no decision by the Harbour Committee shall impact adversely on the Council's general fund or capital budget.</p>	<p>9 members of the Council plus up to five external non-voting advisors appointed by the Committee on a four year term and one non-voting advisor who is a private sector representative of the Board of the Torbay Economic Development Company</p> <p>(Group Leaders will be asked to take account of the geographical spread of members in making appointments to the Committee)</p> <p>Conservative (6):</p> <p>Liberal Democrat (2):</p> <p>Non-Coalition Group (1):</p>	<p>Councillors Amil, Hytche, James, McPhail, and Richards and Mayor Oliver</p> <p>Councillors Faulkner (J) and Stringer</p> <p>Councillor Ellery</p>

Name of Committee and Terms of Reference	Membership	Members
<ol style="list-style-type: none"> 2. to act as Duty Holder for the purposes of the Port Marine Safety Code; 3. approve and monitor a business plan for Tor Bay Harbour, in line with the Council's policy framework, and address any issues relating to performance; 4. review these terms of reference annually and request the Council to make any necessary amendments and/or additions; 5. review annually the powers delegated to the Executive Head of Tor Bay Harbour Authority – Tor Bay Harbour Master and refer any proposed changes to the Council for determination. The Committee itself shall not authorise any changes; 6. consider any other matters referred to the Committee by the Executive Head of Tor Bay Harbour Authority; 7. establish any sub-committee or working parties as the Committee sees fit, in particular a Harbour Appointments Sub-Committee for the recruitment of advisors; 8. recommend the format, composition and governance of the Harbour Liaison Forums and keep the arrangements under review; 9. to provide strategic direction in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority. (Note: the extent of the harbour estate and asset purchase and disposal over £25,000 is determined by the Council.); and 	<p>External Advisors (5):</p> <p>Private Sector Representative of Torbay Economic Development Company (1):</p>	<p>Mr William Butcher Capt. Bob Curtis Mr Gordon Jennings Ms Elaine Hayes plus one vacancy</p> <p>Vacancy</p>

Name of Committee and Terms of Reference	Membership	Members
<p>10. appoint advisors following receipt of recommendations from the Harbour Appointments Sub-Committee and the Board of Torbay Development Agency Ltd. Appointments will be merit based and be in accordance with the Local Protocol for members of the Harbour Committee.</p>		
<p>Employment Committee:</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To determine appointments to post of Commissioner or equivalent positions of the Council, including the terms and conditions of contracts, appointment procedures and arrangements. 2. To consider applications for the position of Coroner and to recommend to Council the person to be appointed to that post. 3. To exercise the Council's powers of appointment (and removal) of Directors and Chief Executives for all companies in respect of which the Council has such powers. 4. To hear and determine appeals in relation to disciplinary matters, in relation to dismissal. 5. Draw up and recommend to Council a policy framework on pay for executive remuneration and severance as a whole. 6. Working within the approved policy framework, agree the remuneration package for relevant senior executives, ensuring individuals are fairly but responsibly rewarded for their individual contribution. 	<p>5 members of the Council</p> <p>Conservative (3):</p> <p>Liberal Democrat (1):</p> <p>Labour (1):</p>	<p>Councillors McPhail, Pritchard and Thomas (D)</p> <p>Councillor Darling</p> <p>Councillor Cowell</p>

Name of Committee and Terms of Reference	Membership	Members
<p>7. Report to taxpayers and the Council their decisions on behalf of the council through a report for publication by Council.</p> <p>8. Ensure that the relationship between senior executive pay and for employees below this level remains consistent and sensible.</p> <p>9. The Employment Committee will apply the necessary internal controls to allow it to comply with any audit enquiry.</p>		
<p>Appeals Panel (School Transport, Student Awards, Licensing and Discretionary Housing Payments):</p> <p>Terms of Reference: To determine appeals in respect of school transport, student awards, discretionary housing payments and licensing.</p>	<p>7 members of the Council</p> <p>Conservative (4):</p> <p>Liberal Democrat (2):</p> <p>Non-Coalition (1):</p>	<p>Councillors Addis, Pritchard, Thomas (D) and Tyerman</p> <p>Councillors Stocks and Stringer</p> <p>Councillor Morey</p>
<p>Civic Committee:</p> <p>Terms of Reference: To consider nominations for the title of Honorary Freeman and make recommendations to the Council as necessary.</p>	<p>7 members of the Council in accordance with the political balance requirements</p> <p>Conservative (4):</p> <p>Liberal Democrat (2):</p>	<p>Councillors Amil, Brooksbank, Kingscote and McPhail</p> <p>2 Vacancies</p>

Name of Committee and Terms of Reference	Membership	Members
<p>Standards Committee:</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To promote and maintain high standards of conduct by the Mayor, councillors, co-opted members and church and parent governor representatives. 2. To assist the Mayor, councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct. 3. To advise the Council on the adoption or revision of the Members' Code of Conduct. 4. To monitor the operation of the Members' Code of Conduct. 5. To advise, train or arrange to train the Mayor, councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct. 6. To grant dispensations where permitted by law to the Mayor, councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct. 7. To review the Council's local protocols. 	<p>Non-Coalition Group (1):</p> <p>4 members of Torbay Council (2 Conservative and 2 Liberal Democrat), plus 4 named substitutes (2 Conservative and 2 Liberal Democrat), 3 Brixham Town Council Councillors plus 1 named substitute from Brixham Town Council and 5 independent members.</p> <p>Conservative (2):</p> <p>Liberal Democrat (2):</p> <p>Brixham Town Council (3):</p>	<p>Councillor Stockman</p> <p>Councillors Addis and McPhail (Councillor Thomas (D) plus one vacancy substitutes)</p> <p>Councillors Doggett and Stocks (Councillors Darling and Davies substitutes)</p> <p>Councillors Boote, Henderson and Lomas (Councillor Hodge substitute)</p>

Name of Committee and Terms of Reference	Membership	Members
<p>8. To consider reports in relation to Ombudsman investigations.</p> <p>9. To review the Constitution in relation to ethics and probity issues.</p> <p>10. To advise others on probity and ethics.</p> <p>11. To appoint sub-committees to deal with appointments of independent members, local assessment, investigation and determination of allegations of breaches of the Code of Conduct for Members.</p> <p>12. To share experience with other standards committees.</p> <p>The Council may arrange for the Standards Committee to exercise such other functions as the Council considers appropriate.</p>	<p>Independent Members (5):</p>	<p>Mr Bastow Mr Dalzell Mr Heath Mr Hutchinson Mr Branch</p>