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Dear Member

**ADJOURNED ANNUAL COUNCIL - WEDNESDAY, 15 MAY 2013**

I am now able to enclose, for consideration at the Adjourned Annual Council meeting, the following report which has been updated since the agenda was printed.

<b>Agenda No</b>	<b>Item</b>	<b>Page</b>
<b>20.</b>	<b>Appointments to Committees and other Bodies</b> Revised Appendix 2	(Pages 195 - 205)

Yours sincerely

June Gurry  
Clerk

# Agenda Item 20

Torbay Council – Constitution

Schedule 4 – Terms of Reference

## Schedule 4 – Terms of Reference

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

Name of Committee and Terms of Reference	Membership	Members
<p><b>Overview and Scrutiny Board:</b></p> <p><b>Terms of Reference:</b></p> <ol style="list-style-type: none"> <li>To approve and co-ordinate the work programme for the overview and scrutiny function for the year.</li> <li>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).</li> <li>To review or scrutinise decisions made, or other action taken, in connection with the discharge of functions which are the responsibility of the Executive.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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</li> </ol>	<p>9 members of the Council (including the Overview and Scrutiny Co-ordinator and Scrutiny Lead Members) excluding the Mayor, other members of the Executive and the Chairman/woman of the Council plus 2 Diocesan and 2 Parent Governor Representatives</p> <p>Conservative (5)</p> <p>Liberal Democrat (3)</p> <p>Non Coalition Group (1)</p> <p>Co-opted members (4)</p>	<p>Councillors Bent, Hytche, Kingscote, McPhail, Thomas (J)</p> <p>Councillors Darling, Davies and Pentney</p> <p>Councillor Stockman</p>

Name of Committee and Terms of Reference	Membership	Members
<p>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>		
<p><b>Health Scrutiny Board:</b></p> <p><b>Terms of Reference:</b></p> <p>To consider all matters and issues arising from the Council's power of scrutinising local health services in accordance with the Health and Social Care Act 2001, the National Health Service Act 2006 and Health and Social Care Act 2012.</p>	<p>8 members of the Council (politically balanced)</p> <p>Conservative (5)</p> <p>Liberal Democrat (2)</p> <p>Non-coalition group (1)</p>	<p>Councillors Hernandez, Hytche, McPhail and Thomas (J)</p> <p>Councillors Davies and Doggett</p> <p>Councillor Ellery</p>

Name of Committee and Terms of Reference	Membership	Members
<p><b>Audit Committee:</b></p> <p><b>Terms of Reference:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. To consider summaries of specific Internal Audit reports as requested.</li> <li>3. To consider reports dealing with the management and performance of the providers of Internal Audit Services.</li> <li>4. To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.</li> <li>5. To consider the External Auditor’s Annual Letter, relevant reports, and the report to those charged with governance.</li> <li>6. To consider specific reports as agreed with the External Auditor.</li> <li>7. To comment on the scope and depth of external audit work and to ensure it gives value for money.</li> <li>8. To liaise with the Audit Commission over the appointment of the Council’s external auditor.</li> <li>9. To commission work from Internal and External Audit within approved resources.</li> </ol>	<p>6 members of the Council excluding members of the Executive, in accordance with the political balance requirements</p> <p>Conservative (4)</p> <p>Liberal Democrat (2)</p>	<p>Councillors Addis, Bent, Brooksbank and Tyerman</p> <p>Councillors Stocks and Stringer</p>

Name of Committee and Terms of Reference	Membership	Members
<p><b>Regulatory Framework</b></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 Operating Officer, a Director, the Monitoring officer, Section 151 Officer (Chief Finance Officer) or any Council body.</p> <p>12. To monitor the effective development and operation of risk management and corporate governance in the Council.</p> <p>13. To monitor council policies on ‘Raising Concerns at Work’ and the ‘Anti-fraud and corruption strategy’ and the Council’s complaints process.</p> <p>14. To oversee the production of the authority’s Statement on Internal Control and to recommend its adoption.</p> <p>15. To oversee the Council’s arrangements for corporate governance and consider necessary actions to ensure compliance with best practice.</p> <p>16. To review the Code of Corporate Governance.</p> <p>17. To monitor the Council’s compliance with its own and other published standards and controls.</p> <p><b>Accounts</b></p> <p>18. On behalf of the Council, to approve the annual statement of accounts.</p>		

**Torbay Council – Constitution**

**Schedule 4 – Terms of Reference**

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<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><b>Development Management Committee:</b></p> <p><b>Terms of Reference:</b></p> <p>1. At all times to have regard to the Torbay Local Plan 1995-2011 (“the Torbay Local Plan”).</p> <p>2. To consider and (if appropriate) determine (unless such determination is reserved by law to Council) all applications and all other matters (including issuing notices, making Orders and requesting the Monitoring Officer to issue civil or criminal proceedings) relating to:</p> <ul style="list-style-type: none"> <li>Town and Country Planning</li> <li>Conservation Areas</li> <li>Listed Buildings</li> <li>Scheduled Ancient Monuments</li> <li>The display of advertisements</li> <li>Tree Preservation Orders</li> <li>Complaints about high hedges</li> <li>Public Rights of Way</li> <li>Minerals</li> <li>Highways matters</li> <li>Waste</li> </ul> <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>9 members of the Council with membership comprising, if reasonably possible, members from the various areas of the Borough</p> <p>Conservative (5)</p> <p>Liberal Democrat (2)</p> <p>Non Coalition (2)</p>	<p>Councillors Addis, Barnby, Brooksbank, Kingscote, McPhail</p> <p>Councillors Baldrey and Pentney</p> <p>Councillors Morey and Stockman</p>

Name of Committee and Terms of Reference	Membership	Members
<p>3. The Committee shall not determine any application (or other matter) in a manner that would (in the opinion of either the Executive Head Spatial Planning) not be in accordance with the Torbay Local Plan unless both those Officers recommend such determination and the determination is in entire accordance with their recommendation. If the Committee consider that an application (or other matter) shall be determined not in accordance with the Torbay Local Plan then (unless their determination is in accordance with the recommendation of the Executive Head Spatial Planning) the item shall be referred to Council for determination.</p> <p>4. The Committee shall not determine any application (or other matter) that relates to land owned, controlled or occupied by the Council in a manner that is not in accordance with the recommendation of the Executive Head Spatial Planning. If the Committee consider that an application (or other matter) that relates to land owned, controlled or occupied by the Council shall be deferred or determined not in accordance with the recommendation of the Executive Head Spatial Planning the Executive Head may refer that matter to Council for consideration or determination.</p>		

Name of Committee and Terms of Reference	Membership	Members
<p><b>Licensing Committee:</b></p> <p><b>Terms of Reference:</b></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 (2)</p> <p>Labour (1)</p>	<p>Councillors Addis, Amil, Barnby, Bent, Brooksbank, Butt, Hytche and Tyerman</p> <p>Councillors Doggett, Faulkner (A), Pentney and Stocks</p> <p>Councillors Ellery and James</p> <p>Councillor Cowell</p>
<p><b>Harbour Committee:</b></p> <p><b>Terms of Reference:</b></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"> <li>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):</li> </ol>	<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</p>	



Name of Committee and Terms of Reference	Membership	Members
<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>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 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;</p> <p>6. consider any other matters referred to the Committee by the Executive Head Tor Bay Harbour Authority;</p>	<p>appointments to the Committee)</p> <p>Conservative (5)</p> <p>Liberal Democrat (2)</p> <p>Non-Coalition (2)</p>	<p>The Mayor and Councillors Amil, Hytche, McPhail and Richards</p> <p>Councillors Faulkner (J) and Stringer</p> <p>Councillors Ellery and James</p>

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Name of Committee and Terms of Reference	Membership	Members
<p>7. establish any sub-committee or working parties as the Committee sees fit, in particular a Harbour Appointments Sub-Committee for the recruitment of advisors;</p> <p>8. recommend the format, composition and governance of the Harbour Liaison Forums and keep the arrangements under review;</p> <p>9. to provide strategic direction to the Executive Head Tor Bay Harbour Authority and the Mayor in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority.; and</p> <p>10. appoint advisors following receipt of recommendations from the Harbour Appointments Sub-Committee and the Board of Torbay Economic Development Company Ltd. Appointments will be merit based and be in accordance with the Local Protocol for members of the Harbour Committee.</p>		
<p><b>Employment Committee:</b></p> <p><b>Terms of Reference:</b></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>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>5. To hear and determine appeals in relation to disciplinary matters, in relation to dismissal.</p>	<p>5 members of the Council</p> <p>Conservative (3)</p> <p>Liberal Democrat (1)</p> <p>Labour (1)</p>	<p>The Mayor and Councillors McPhail and Mills</p> <p>Councillor Darling</p> <p>Councillor Cowell</p>

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Name of Committee and Terms of Reference	Membership	Members
<p><b>Appeals Panel (School Transport, Student Awards, Licensing and Discretionary Housing Payments):</b></p> <p><b>Terms of Reference:</b></p> <p>To determine appeals in respect of school transport, student awards, discretionary housing payments and licensing.</p>	<p>7 members of the Council</p> <p>Conservative (4)</p> <p>Liberal Democrat (2)</p> <p>Non Coalition (1)</p>	<p>Councillors Addis, Pritchard, Thomas (D) and Tyerman</p> <p>Councillor Stocks and Stringers</p> <p>Councillor Morey</p>
<p><b>Civic Committee:</b></p> <p><b>Terms of Reference:</b></p> <ol style="list-style-type: none"> <li>1. To consider nominations for the title of Honorary Freeman and make recommendations to the Council as necessary.</li> <li>2. To consider and promote nominations for national and local awards.</li> <li>3. To identify events to attract Royal visits</li> <li>4. To keep updated on major national civic events.</li> </ol>	<p>7 members of the Council in accordance with the political balance requirements</p> <p>Conservative (4)</p> <p>Liberal Democrat (2)</p> <p>Non Coalition (1)</p>	<p>Councillors Amil, Brooksbank, Kingscote and McPhail</p> <p>Councillors Faulkner (A) and Stringer</p> <p>Councillor Stockman</p>

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Name of Committee and Terms of Reference	Membership	Members
<p><b>Standards Committee:</b></p> <p><b>Terms of Reference:</b></p> <ol style="list-style-type: none"> <li>1. To promote and maintain high standards of conduct by the Mayor, councillors, co-opted members and church and parent governor representatives.</li> <li>2. To assist the Mayor, councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct.</li> <li>3. To advise the Council on the adoption or revision of the Members' Code of Conduct.</li> <li>4. To monitor the operation of the Members' Code of Conduct.</li> <li>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.</li> <li>6. To assist the Monitoring Officer in carrying out his responsibilities pursuant to the Code of Conduct and its protocols.</li> <li>7. To review the Council's local protocols.</li> <li>8. To review the Constitution in relation to ethics and probity issues.</li> <li>9. To advise others on probity and ethics.</li> <li>10. To share experience with other standards committees.</li> </ol> <p>The Council may arrange for the Standards Committee to exercise such other functions as the Council considers appropriate.</p>	<p>7 members of Torbay Council (4 Conservative and 2 Liberal Democrat and 1 independent).</p> <p>Conservative (4)</p> <p>Liberal Democrat (2)</p> <p>Non Coalition (1)</p>	<p>Councillors Addis, Amil, Hernandez and Thomas (J)</p> <p>Councillors Doggett and Stocks</p> <p>Councillor Morey</p>