## **TORBAY** COUNCIL

Clerk: June Gurry Governance Support

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Date: Wednesday, 28 April 2021 Torquay

TQ1 3DR

Dear Member

## **COUNCIL - WEDNESDAY, 28 APRIL 2021**

I am now able to enclose, for consideration at the Wednesday, 28 April 2021 meeting of the Council, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
10.	Appointments to Council Committees, Working Parties and Appointment of Committee Chairmen/women and Vice-Chairmen/women for 2021/22	(Pages 2 - 20)

Yours sincerely

June Gurry Clerk

## Schedule 4 - Terms of Reference

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

Nam	ne and Terms of Reference	Membership
	eals Committee (Transport): etermine appeals in respect of school transport.	7 members of the Council in accordance with the political balance requirements
		Conservative (3):  Councillors Sykes, Jackie Thomas and David Thomas
		Liberal Democrat (3):  Councillors Mandy Darling,
		Douglas-Dunbar and Law Independent Group (1):
		Councillor Loxton
Aud	it Committee:	7 members of the Council excluding members of the
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.	Cabinet, in accordance with the political balance requirements  Conservative (3):
2.	To consider summaries of specific Internal Audit reports as requested.	Councillors Brooks, Hill and
3.	To consider reports dealing with the management and performance of the providers of Internal Audit Services.	O'Dwyer
4.	To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.	Liberal Democrat (2):  Councillors Dart and Howgate

Nam	and Terms of Reference	Membership
5.	To consider the External Auditor's Annual Letter, relevant reports, and the report to those charged with governance.	Independent Group (2):  Councillor Loxton and Kennedy
6.	To consider specific reports as agreed with the External Auditor.	, and the second
7.	To comment on the scope and depth of external audit work and to ensure it gives value for money.	
8.	To liaise with the Public Sector Audit Appointments Ltd over the appointment of the Council's external auditor.	
9.	To commission work from Internal and External Audit within approved resources.	
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.	
Regu	latory Framework	
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).	
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	

Nam	e and Terms of Reference	Membership
	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).	
Acco	unts	
21.	To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.	
22.	On behalf of the Council, to consider and approve the annual statement of accounts.	
Civic Committee:		7 members of the Council in accordance with the political

Nam	e and Terms of Reference	Membership
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.	balance requirements  Conservative (3):
2	In conjunction with the Senior Team, identify and consider individuals to nominate for a Queens Honour.	Councillors Brooks, Foster and Kavanagh
		Liberal Democrat (3):
		Councillors Mandy Darling, Long and Law
		Independent Group (1):
		Councillor Amil
Employment Committee:		5 members of the Council in accordance with the political
1.	To make recommendations to Council on the appointment of the Head of Paid Service including the terms and conditions of his/her employment.	balance requirements (to include a Cabinet member)
2.	To determine appointments to post of Director or equivalent positions of the	Conservative (2):
	Council and senior management positions at Hay Grade 528 or above, or for the most senior management position where this is lower, for its wholly owned companies, including the terms and conditions of contracts, appointment procedures and arrangements.	Councillors Chris Lewis and David Thomas
		Liberal Democrat (2):
3.	To consider applications for the position of Coroner and to recommend to Council the person to be appointed to that post.	Councillors Steve Darling and Law
4.	To hear and determine appeals in relation to disciplinary matters, in relation to dismissal.	Independent Group (1):

Nan	ne and 1	Terms of Reference	Membership
5.		nsider any matters referred by the Chief Executive on the appointment of executive Directors on Council owned companies.	Councillor Morey
6.	To cor Execu	nsider any disciplinary or grievance matters in relation to the Chief tive.	
7.	To cor Office	nsider and determine requests for Flexible Retirement from Senior rs.	
To d as a Polid	letermin Harbou cy Fram	e all matters relating to the strategic management of the Council's function or Authority, in line with the Tor Bay Harbour Port Masterplan, the Council's ework. Specifically the Committee will:-	8 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.
1.	finand finand	ge all of the Harbour's financial matters in accordance with approved cial procedures and the Council's aspirations for the harbour to be self cing as outlined in the Tor Bay Harbour Port Masterplan and including (but nited to):	(Group Leaders will be asked to take account of the geographical spread of members in making appointments to the Committee)
	(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;	Conservative (3): Councillors Barrand, Brooks and
	(b)	approving the annual revenue budgets within the ring-fenced harbour accounts;	O'Dwyer Liberal Democrat (2):
	(c)	receiving quarterly budget monitoring reports and to approve variances as appropriate; and	Councillors Carter and Dudley
	(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;	Independent Group (3):  Councillors Amil, Ellery and Mills

Nam	e and Terms of Reference	Membership
	providing that no decision by the Harbour Committee shall impact adversely on the Council's general fund or capital budget.	
2.	to act as Duty Holder for the purposes of the Port Marine Safety Code, the accountability for which cannot be assigned or delegated;	
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 Head of Tor Bay Harbour Authority 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 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 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	
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.	

Name and Terms of Reference		Membership
<ol> <li>To consider ad hoc applications for external advisor positions on the Harbour Committee and recommend to the Harbour Committee the persons who should be appointed to those posts as and when vacancies arise, and to determine the rolling programme for advisors tenure.</li> </ol>		5 members of the Council in accordance with the political balance requirements to include the Chairman and Vice-Chairman of the Harbour Committee appointed the Harbour Committee.
		Conservative (2)
		Councillors Barrand and O'Dwyer
		Liberal Democrat (2)
		Councillors Carter and Dudley
		Independent Group (1)
		Councillor Amil
Mari 1.	To ensure appropriate insight and understanding of the organisations marine safety management system and supporting systems and when necessary make recommendations to the Harbour Committee regarding health and safety related matters.	5 members of the Council in accordance with the political balance requirements appointed the Harbour Committee.  Conservative (2)  Councillors Barrand and Brooks  Liberal Democrat (2)  Councillors Carter and Dudley

Nam	e and Terms of Reference	Membership	
		Independent Group (1)	
		Councillor Amil	
Hea	th and Wellbeing Board	Membership:	
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.	Leader of the Council or their nominee (Councillor Stockman) Director of Adult Services and Housing	
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	Director of Children's Services Director of Public Health A representative of Healthwatch Torbay	
	Health Service Act 2006 in connection with the provision of such services.	A representative of Devon Clinical Commissioning Group	
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.	A representative of NHS England	
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.	Non-voting Co-opted Members: Torbay and South Devon NHS Foundation Trust Police and Crime Commissioner Devon Partnership NHS Trust	
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:	Torbay Community Development Trust Chairman of Safer Communities Torbay Chairman of Torbay Safeguarding Children Board	
	<ul> <li>Preparation of a Joint Strategic Needs Assessment; and</li> <li>Preparation of a Joint Health and Wellbeing Strategy.</li> </ul>	Imagine This Partnership (Representing the Voluntary Children and Young People	
6.	To assess needs for pharmaceutical services in Torbay and publish a statement of its first assessment and of any revised assessment.	Sector) Chairman of Torbay Safeguarding Adults Board	

Nam	ne and Terms of Reference	Membership
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.	Chairman of Torbay Together Representative from Devon and Cornwall Police Assistant Director of Community
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.	and Customer Services Representative of the Ageing Well Assembly Representative of Primary Care
9.	To consider the annual report of the Torbay Safeguarding Children's Board.	Representative of the Department for Work and Pensions
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.	Representative of Torbay Schools
	arry out the Licensing functions of the Council.	15 members of the Council in accordance with the political balance requirements
		Conservative (6):
		Councillors Barnby, Foster, Kavanagh, Barbara Lewis, Sykes and John Thomas
		Liberal Democrat (5):
		Councillors Atiya-Alla, Mandy Darling, Dart, Douglas-Dunbar and Pentney
		Independent Group (4):
		Councillors Amil, Ellery, Kennedy and Mills

Nan	ne and Terms of Reference	Membership
Overview and Scrutiny Board:		9 members of the Council in accordance with the political
1.	To approve and co-ordinate the work programme for the overview and scrutiny function for the year.	balance requirements (including the Overview and Scrutiny Coordinator and Overview and
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).	Scrutiny Lead Members) excluding Members of the Cabinet and the Chairman/woman of the Council
3.	To appoint the Council's representatives to the Heart of the South West Local Enterprise Partnership (LEP) Joint Scrutiny Committee.	plus 2 Diocesan and 2 Parent Governor Representatives
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.	Conservative (3):
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.	Councillors Barrand, Bye and Foster
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.	Liberal Democrat (3): Councillors Atiya-Alla, Mandy Darling and Douglas-Dunbar
7.	To make reports or recommendations to the Authority or the Cabinet or the	Independent Group (3):
7.	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.	Councillors Brown, Kennedy and Loxton
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.	
9.	To consider all matters and issues arising from the Council's power to review or	

Name and Terms of Reference		Membership	
	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.		
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.		
Chile	dren and Young People's Overview and Scrutiny Board:	This is a Sub-Committee of the	
1.	to review how the needs and interests of children and young people are met by all departments, policies, services and decisions; and how performance is evaluated and improved;	Overview and Scrutiny Board and comprises 5 members of the Council in accordance with the political balance requirements.	
2.	to review universal, targeted and specialist services for children and young people including:	Conservative (2):	
	<ul> <li>prevention and management of risk;</li> </ul>	Councillors Barnby and Bye	
	<ul> <li>social care;</li> <li>children's and young people's wellbeing;</li> <li>education – supporting and enabling learning for all children and young</li> </ul>	Liberal Democrat (2): Councillors Atiya-Alla and Mandy Darling	
	<ul> <li>people;</li> <li>internal and external partnership working for children and young people;</li> <li>supporting parents and families; and</li> </ul>	Independent Group (1):	
	<ul> <li>relevant financial management;</li> </ul>	Councillor Mills	
3.	to assess the effectiveness of decisions of the Cabinet in these areas of the Council's statutory activity; and	Statutory Education Co-opted Members:	
4.	to make reports and recommendations as appropriate arising from this area of overview and scrutiny.	Statutory parent governor representatives (primary, secondary and academy trust)	

Name and Terms of Reference		Membership
		(3):
		Statutory Church of England representative (1):
		Statutory Roman Catholic Diocesan representative (1):
		Non-Voting Co-opted Members:
		Devon and Cornwall Police representative (1):
		Torbay Youth Trust representative (1):
		Care experienced young person (1):
		Imagine This Partnership Board representative (1):
Plan	ning Committee:	9 members of the Council (excluding the Cabinet Lead with
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.	responsibility for Planning, in accordance with the political balance requirements) with
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:	membership comprising, if reasonably possible, members from the various areas of the Borough
	Town and Country Planning, including	

Name and Terms of Reference	Membership
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  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.  The Committee shall not determine any application (or other matter) in a manner that would (in the opinion of the Assistant Director Planning, Housing and Climate Emergency 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.  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, Housing and Climate Emergency) the item shall be referred to Council for determination.	Conservative (3):  Councillors Hill, Barbara Lewis and Jackie Thomas  Liberal Democrat (3):  Councillors Dart, Dudley and Pentney  Independent Group (3):  Councillors Brown, Kennedy and Mills
Standards Committee:	7 members of Torbay Council in accordance with the political
1. To promote and maintain high standards of conduct by councillors, co-opted	balance requirements

Name	and Terms of Reference	Membership
	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.	Conservative (3):  Councillors Barbara Lewis, Jackie Thomas and John Thomas
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.	Liberal Democrat (2):
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	Councillors Atiya-Alla and Mandy Darling
	of Conduct.	Independent Group (2):
6.	To assist the Monitoring Officer in carrying out his/her responsibilities pursuant to the Code of Conduct and its protocols.	Councillors Mills and Morey
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.	
The Council may arrange for the Standards Committee to exercise such other functions as the Council considers appropriate.		
Airshow Working Party		5 members of the Council in
1.	To enable Members to be kept fully briefed on the progress of the Torbay Air Show	accordance with the political balance requirements
	Che.	Conservative (2):

Name and Terms of Reference		Membership
<ol> <li>3.</li> </ol>	To monitor the budget allocated for the Torbay Air Show.  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).	Councillors Barrand and Barbara Lewis Liberal Democrat (2): Councillors Carter and Dart Independent (1): Councillor Amil
Community Asset Transfer Panel  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.		4 members of the Council in accordance with the political balance requirements, to include the appropriate Cabinet Member  Conservative (2): Councillors Brooks and Chris Lewis  Liberal Democrat (1):  Councillor Long  Independent (1):  Councillor Loxton
Corporate Parenting Board     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		5 members of the Council in accordance with the political balance requirements

Name and Terms of Reference		Membership
	Children Looked After and Corporate Parenting Strategy.	Conservative (2):
		Councillors Barnby and Bye
		Liberal Democrat (2):
		Councillors Steve Darling and Law
		Independent Group (1):
		Councillor Mills
Hark	oour Asset Working Party (plus external advisors)	5 members of the Council in accordance with the political
1.	To review all assets within Tor Bay Harbour and the Harbour Estate.	balance requirements
2.	To establish how each asset is performing.	Conservative (2):
3.	To identify any assets that are surplus.	Councillors O'Dwyer and Brooks
		Liberal Democrat (1):
		Councillor Carter
		Independent Group (2):
		Councillors Amil and Ellery
Hark	oour Budget Working Party (plus external advisors)	5 members of the Council in accordance with the political
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.	balance requirements

Name and Terms of Reference		Membership	
2.	To assist Officers to monitor and review the budget ahead of each quarterly Harbour Committee meeting.	Conservative (2):  Councillors O'Dwyer and Brooks	
		Liberal Democrat (2):	
		Councillors Carter and Pentney	
		Independent Group (1):	
		Councillor Amil	
The	Oldway Mansion and Grounds Steering Group (Working Party)	5 members of the Council in	
1.	To review any condition surveys for buildings on the site.	accordance with the political balance requirements	
2.	To review proposals for use of buildings and grounds.	Conservative (2):	
3.	To ascertain community views in respect of these matters.	Councillors Sykes and John Thomas	
4.	To make recommendations about how future use of building should be taken forward.	Liberal Democrat (2):	
5.	To identify relevant members from the local community and relevant representatives from the business, public and voluntary sectors to be invited to meetings.	Councillors Carter and Long	
		Independent Group (1):	
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).	Councillor Cowell	
7.	To explore with the community all potential sources of funding for the entirety of the Phases, including, but not limited to:		

Name and Terms of Reference		Membership
	<ul> <li>Grant funding</li> <li>Fund raising events</li> <li>Crowd funding</li> <li>Business opportunities and investment</li> <li>Legacies</li> <li>Philanthropic contributions</li> </ul>	
8.	To produce a flexible programme of proposed delivery of restoration works which aligns with the availability of funding.	
9.	To provide strategic oversight of commissioning and delivery of any restoration works.	
Trar	nsport and Parking Working Party	9 members of the Council in
1.	To consider current and emerging highways and transportation issues and to make recommendations to the appropriate decision-maker.	accordance with the political balance requirements  Conservative (3):
2.	To consider current and emerging parking issues and to make	Conservative (3).
	recommendations to the appropriate decision maker.	Councillors Foster, Hill and Chris Lewis
		Liberal Democrat (3):
		Councillors Atiya-Alla, Long and Morey (representing the Liberal Democrats)
		Independent Group (3):
		Councillors Amil, Ellery and Mills

## Nominations for Chairmen/women and Vice-Chairmen/women of Committee's 2021-2022

Committee	Chairman/woman	Vice-Chairman/woman
Audit Committee	Councillor Loxton	Councillor Kennedy
Harbour Committee	Councillor Amil	Councillor Dudley
Health and Wellbeing Board  (Note: In accordance with Standing Order H3.1 nominations reflect the members of the Health and Wellbeing Board which includes officers and partners.)	Councillor Stockman	Matt Fox (Clinical Commissioning Group)
Licensing Committee	Councillor Ellery	Councillor Barbara Lewis
Overview and Scrutiny Board	Councillor Douglas- Dunbar	Councillor Bye
Children and Young People Overview and Scrutiny Board (Sub- Committee of Overview and Scrutiny)	Councillor Bye	Councillor Mills
Planning Committee	Councillor Pentney	Councillor Dudley
Standards Committee	Councillor Mandy Darling	Councillor Mills

(Note: In accordance with Committees and Sub-Committees Standing Order B1, Committees that meet on an ad hoc basis and require a different Chairman/woman are not included.)