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	
2.	To consider summaries of specific Internal Audit reports as requested.	Conservative (3):	
3.	To consider reports dealing with the management and performance of the	Councillors Brooks, Hill and O'Dwyer	
	providers of Internal Audit Services.	Liberal Democrat (2):	
4.	To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.	Councillors Dart and Howgate	

Nam	e 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):
6.	To consider specific reports as agreed with the External Auditor.	Councillor Loxton and Kennedy
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	ılatory 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
Emp	loyment 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 Council and senior management positions at Hay Grade 528 or above, or for the	Conservative (2):
	most senior management positions at Hay Grade 326 of above, of 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
2		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	Name and 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 co Execu	nsider any disciplinary or grievance matters in relation to the Chief ative.	
7.	To co Office	nsider and determine requests for Flexible Retirement from Senior ers.	
To d	Harbour Committee 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:-		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.	finan finan	age 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 mited 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

Nan	ne 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	e and Terms of Reference	Membership
Harb	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.	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
Marin	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
Heal	th and Wellbeing Board	Membership:
		Leader of the Council or their
1.	To encourage those who arrange for the provision of any health or social care	nominee (Councillor Stockman)
	services in the area to work in an integrated manner for the purpose of	Director of Adult Services and
	advancing the health and wellbeing of the people in its area.	Housing
_		Director of Children's Services
2.	To provide advice, assistance and support, as it thinks appropriate for the	Director of Public Health
	purpose of encouraging the making of arrangements under Section 75	A representative of Healthwatch
	(arrangements between NHS bodies and local authorities) of the National	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	A representative of NHS England
	its area to work closely with the Health and Wellbeing Board.	Non-continuo On conta I Manual con
4	To an active we there will a company for the provision of any health an active are	Non-voting Co-opted Members:
4.	To encourage those who arrange for the provision of any health or social care	Torbay and South Devon NHS
	services in its area and those who arrange for the provision of any health-	Foundation Trust
	related services in its area to work closely together.	Police and Crime Commissioner
E	To every in a the functions of Tarboy Council and Couth Davis and Tarboy	Devon Partnership NHS Trust
5.	To exercise the functions of Torbay Council and South Devon and Torbay	Torbay Community Development Trust
	Clinical Commissioning Group under sections 116 (health and social care: joint strategic needs assessments) and 116A (health and social care: joint health	Chairman of Safer Communities
	and wellbeing strategy) of the Local Government and Public Involvement in	Torbay
	Health Act 2007, namely:	Chairman of Torbay
	Health Act 2007, Hamely.	Safeguarding Children Board
	Preparation of a Joint Strategic Needs Assessment; and	Imagine This Partnership
	 Preparation of a Joint Strategic Needs Assessment, and Preparation of a Joint Health and Wellbeing Strategy. 	(Representing the Voluntary
	Treparation of a Joint Health and Wellbellig Strategy.	Children and Young People
6.	To assess needs for pharmaceutical services in Torbay and publish a statement	Sector)
0.	of its first assessment and of any revised assessment.	Chairman of Torbay
	or its mor assessment and or any revised assessment.	Safeguarding Adults Board

Nam	ne and Terms of Reference	Membership
7. 8. 9.	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. 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. To consider the annual report of the Torbay Safeguarding Children's Board. 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.	Chairman of Torbay Together Representative from Devon and Cornwall Police Assistant Director of Community and Customer Services Representative of the Ageing Well Assembly Representative of Primary Care Representative of the Department for Work and Pensions Representative of Torbay Schools
Licensing Committee: To carry 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

Name and Terms of Reference		Membership
Over	view 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	

Nam	e 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):
		Councillors Barnby and Bye
	 prevention and management of risk; social care; children's and young people's wellbeing; education – supporting and enabling learning for all children and young people; internal and external partnership working for children and young people; 	Liberal Democrat (2): Councillors Atiya-Alla and Mandy Darling Independent Group (1):
	supporting parents and families; andrelevant financial management;	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)

Nam	ne 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	nning 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	
(Counce Part 3) 3. The Comanne and Clinaccord such depoire to Director Development of the recommend of the counce	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 as they are set out in Schedule 2 of this Part 3 of the Constitution cil Functions) or are identified as Council functions in Schedule 1 of this (Local Choice Functions): i.e. so far as they are not Executive functions. Committee shall not determine any application (or other matter) in a er that would (in the opinion of the Assistant Director Planning, Housing imate Emergency or the opinion of the Director of Place) not be in lance with the Development Plan for Torbay unless they recommend letermination and the determination is consistent with the Assistant or's recommendation. Etarry to officer recommendation, the Committee consider that an action (or other matter) shall be determined not in accordance with the opment Plan for Torbay then (unless their determination is consistent with commendation of the Assistant Director Planning, Housing and Climate ency) 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 Co	ommittee:	7 members of Torbay Council in	
1. To pro	mote and maintain high standards of conduct by councillors, co-opted	accordance with the political balance requirements	

Nam	e and Terms of Reference	Membership
2.	members and church and parent governor representatives. 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
3.4.5.	To advise the Council on the adoption or revision of the Members' Code of Conduct. To monitor the operation of the Members' Code of Conduct. To advise, train or arrange to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct.	Liberal Democrat (2): Councillors Atiya-Alla and Mandy Darling
6.	To assist the Monitoring Officer in carrying out his/her responsibilities pursuant to the Code of Conduct and its protocols.	Independent Group (2): Councillors Mills and Morey
7. 8.	To review the Council's local protocols as contained in the Constitution. To review the Constitution in relation to ethics and probity issues.	
9. 10. 11.	To advise others on probity and ethics. To consider any alleged breaches of local protocols by members. To share experience with other standards committees.	
The	Council may arrange for the Standards Committee to exercise such other ions as the Council considers appropriate.	
Airsl	To enable Members to be kept fully briefed on the progress of the Torbay Air Show	5 members of the Council in accordance with the political balance requirements Conservative (2):

Name and Terms of Reference	Membership
 To monitor the budget allocated for the Torbay Air Show. To consider how the Torbay Air Show can provide an opportunit greater benefits which support the Council's broader corporate (including providing opportunities for the Council's Looked After 	objectives
Community Asset Transfer Panel To assess applications made at Stage 1 and Stage 2 of the Community process in accordance with the criteria set out in the Community Asset Policy.	the appropriate Cabinet Member Conservative (2): Councillors Brooks and Chris Lewis Liberal Democrat (1): Councillor Long Independent (1): Councillor Loxton
To provide a forum for regular, detailed discussions of issues in a positive link with, our Children Looked After, in accordance with the control of th	·

Nan	ne 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
Harl	bour 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
Harl	bour 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 accordance with the political
1.	To review any condition surveys for buildings on the site.	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
	 Grant funding Fund raising events Crowd funding Business opportunities and investment Legacies Philanthropic contributions 	
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.	
Transport and Parking Working Party		9 members of the Council in accordance with the political
1.	To consider current and emerging highways and transportation issues and to make recommendations to the appropriate decision-maker.	balance requirements
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