# Schedule 4 – Terms of Reference

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

Nam	e and Terms of Reference	Membership
Appeals Committee (Transport): To determine appeals in respect of school transport.		7 members of the Council in accordance with the political balance requirements
		Conservative (3): Cllrs Sykes, David Thomas and Jackie Thomas
		Liberal Democrat (3): Cllrs Steve Darling, Law and Long
		Independent Group (1): Cllr Loxton
Audi	t 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): Cllrs Brooks, Hill and O'Dwyer
3.	To consider reports dealing with the management and performance of the providers of Internal Audit Services.	Liberal Democrat (2): Cllrs Douglas-Dunbar and Johns
4.	To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.	Independent Group (2): Cllrs Kennedy and Loxton
5.	To consider the External Auditor's Annual Letter, relevant reports, and the report to those charged with governance.	

Nam	e and Terms of Reference	Membership
6.	To consider specific reports as agreed with the External Auditor.	
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.	
Reg	ulatory 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 body.	
14.	To monitor the effective development and operation of risk management and corporate governance in the Council.	

Nam	e and Terms of Reference	Membership
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.	
Civio	committee:	7 members of the Council in
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.	accordance with the political balance requirements Conservative (3): Cllrs Brooks, Kavanagh and Sykes

Nan	ne and Terms of Reference	Membership
		Liberal Democrat (3): Cllrs Douglas-Dunbar, Law and Long Independent Group (1): Cllr Amil
Em	ployment Committee:	5 members of the Council in
1.	To make recommendations to Council on the appointment of the Head of Paid Service including the terms and conditions of his/her employment.	accordance with the political 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 most senior management position where this is lower, for its wholly owned companies, including the terms and conditions of contracts, appointment procedures and arrangements.	Conservative (2): Cllrs Chris Lewis and David Thomas Liberal Democrat (2): Cllrs Steve Darling and Law
3.	To consider applications for the position of Coroner and to recommend to Council the person to be appointed to that post.	Independent Group (1): Cllr Morey
4.	To hear and determine appeals in relation to disciplinary matters, in relation to dismissal.	
5.	To consider any matters referred by the Chief Executive on the appointment of Non-Executive Directors on Council owned companies.	
6.	To consider any matters referred by the Chief Executive on strategic matters relating to pay and conditions.	
7.	To consider any disciplinary or grievance matters in relation to the Chief Executive.	
8.	To consider and determine requests for Flexible Retirement from Senior	

Nam	ame and Terms of Reference		Membership
	Office	ers.	
Hark	oour C	ommittee	8 members of the Council in accordance with the political
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:-		ur Authority, in line with the Tor Bay Harbour Port Masterplan, the Council's nework. Specifically the Committee will:-	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 icial procedures and the Council's aspirations for the harbour to be self icing as outlined in the Tor Bay Harbour Port Masterplan and including (but imited 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): Cllrs Barrand, Brooks and O'Dwyer
	(b)	approving the annual revenue budgets within the ring-fenced harbour accounts;	Liberal Democrat (2): Cllrs Carter and Dudley
	(c)	receiving quarterly budget monitoring reports and to approve variances as appropriate; and	Independent Group (3): Cllrs Amil, Ellery and Mills
	(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;	
		iding that no decision by the Harbour Committee shall impact adversely on Council's general fund or capital budget.	
2.		ct as Duty Holder for the purposes of the Port Marine Safety Code, the ountability for which cannot be assigned or delegated;	
3.	appr	ove and monitor a business plan for Tor Bay Harbour, in line with the	

Nam	e and Terms of Reference	Membership	
	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.		
Hark	oour Appointments Sub-Committee	5 members of the Council in	
1.	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.	accordance with the political balance requirements to include the Chairman and Vice-Chairman of the Harbour Committee appointed the Harbour	

Nam	ne and Terms of Reference	Membership
		Committee.
		Conservative (2): Cllrs Barrand and O'Dwyer
		Liberal Democrat (2): Cllrs Carter and Dudley
		Independent Group (1): Cllr Amil
<b>Mar</b> 1.	ine Safety Sub-Committee 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): Cllrs Barrand and Brooks Liberal Democrat (2): Cllrs Carter and Dudley Independent Group (1): Cllr Amil
Неа	Ith 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	Leader of the Council or their nominee: Cllr Stockman
	advancing the health and wellbeing of the people in its area.	Director of Adults and Community Services
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

Nam	e and Terms of Reference	Membership	
	Health Service Act 2006 in connection with the provision of such services.	Torbay A representative of Devon	
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.	Clinical Commissioning Group A representative of NHS England Cabinet Member for Children's	
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-	Services	
	related services in its area to work closely together.	<b>Non-voting Co-opted Members:</b> Torbay and South Devon NHS	
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:	Foundation Trust Police and Crime Commissioner Devon Partnership NHS Trust Torbay Community Development Trust	
	<ul> <li>Preparation of a Joint Strategic Needs Assessment; and</li> <li>Preparation of a Joint Health and Wellbeing Strategy.</li> </ul>	Chairman of Safer Communities Torbay Chairman of Torbay Safeguarding Children Board	
6.	To assess needs for pharmaceutical services in Torbay and publish a statement of its first assessment and of any revised assessment.	Chairman of Torbay Safeguarding Adults Board Chairman of Torbay Together	
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.	Representative from Devon and Cornwall Police Divisional Director for Community and Customer Services	
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.	Representative of the Ageing Well Assembly Representative of Primary Care Representative of the Department	
9.	To consider the annual report of the Torbay Safeguarding Children's Board.	for Work and Pensions Representative of Torbay	
10.	To make any decisions that legislation or government guidance reserves to Health and Wellbeing Board's and/or proposes that Health and Wellbeing	Schools	

Nan	ne and Terms of Reference	Membership
	Boards would be appropriate forum for such decisions to be made.	
	ensing Committee: carry out the Licensing functions of the Council.	15 members of the Council in accordance with the political balance requirements
		Conservative (6): Cllrs Barnby, Brooks, Kavanagh, Barbara Lewis, Sykes and John Thomas
		Liberal Democrat (5): Cllrs Atiya- Alla, Dart, Douglas-Dunbar, Johns and Pentney
		Independent Group (4): Cllrs Amil, Ellery, Manning and Mills
Ove	erview 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 Co- ordinator 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): Cllrs Barnby, Barrand and Bye
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.	Liberal Democrat (3): Cllrs Atiya- Alla, Douglas-Dunbar and Johns

Nan	ne and Terms of Reference	Membership
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.	Independent Group (3): Cllrs Brown, Kennedy and Loxton
7.	To make reports or recommendations to the Authority or the Cabinet 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.	
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.	
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.	
Adu	It Social Care and Health Overview and Scrutiny Sub-Board:	This is a Sub-Committee of the
1.	to review how the needs and interests of adults 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 (excluding Members of the
2.	to review universal, targeted and specialist services for adults including:	Cabinet), Chaired by the Scrutiny Lead for Health and Adult
	<ul> <li>prevention and management of risk;</li> <li>social care;</li> </ul>	Services.
	<ul> <li>adults wellbeing;</li> <li>education – supporting and enabling learning for adults;</li> <li>internal and external partnership working for adults;</li> </ul>	Conservative (2): Cllrs Barnby and O'Dwyer

Nan	ne and Terms of Reference	Membership	
	<ul> <li>supporting adults and carers; and</li> <li>relevant financial management;</li> </ul>	Liberal Democrat (2): Cllr Douglas-Dunbar and Johns	
3.	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	Independent Group (1): Cllr Loxton	
	Act 2001, the National Health Service Act 2006 and Health and Social Care Act 2012;	Non-Voting Co-opted Members:	
4.	to assess the effectiveness of decisions of the Cabinet in these areas of the Council's statutory activity; and	Healthwatch (1):	
5.	to make reports and recommendations as appropriate arising from this area of overview and scrutiny.	Chair of Voluntary Sector Network (1):	
Chi	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:	(excluding Members of the Cabinet), Chaired by the Scrutiny Lead for Children's Services.	
	<ul><li>prevention and management of risk;</li><li>social care;</li></ul>	Conservative (2): Cllrs Barnby and Bye	
	<ul> <li>children's and young people's wellbeing;</li> <li>education – supporting and enabling learning for all children and young people;</li> </ul>	Liberal Democrat (2): Cllrs Dudley and Douglas-Dunbar	
	<ul> <li>internal and external partnership working for children and young people;</li> <li>supporting parents and families; and</li> </ul>	Independent Group (1): Cllr Mills	
	<ul> <li>relevant financial management;</li> </ul>	Statutory Education Co-opted Members:	
3.	to assess the effectiveness of decisions of the Cabinet in these areas of the		

Nan	ne and Terms of Reference	Membership
4.	Council's statutory activity; and to make reports and recommendations as appropriate arising from this area of overview and scrutiny.	Statutory parent governor representatives (primary, secondary and academy trust) (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):
Pla	nning Committee:	9 members of the Council
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.	(excluding the Cabinet Lead with responsibility for Planning, in accordance with the political balance requirements) with
2.	To consider and (if appropriate) determine (unless such determination is	membership comprising, if

Nam	ne and Terms of Reference	Membership	
	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:	reasonably possible, members from the various areas of the Borough	
	Town and Country Planning, including <ul> <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> <li>Enforcement; and</li> <li>Environmental Assessment</li> </ul> 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	Conservative (3): ClIrs Hill, Barbara Lewis and Jackie Thomas Liberal Democrat (3): ClIrs Dart, Dudley and Pentney Independent Group (3): ClIrs Kennedy, Manning and Mills	
3.	<ul> <li>Part 3 (Local Choice Functions): i.e. so far as they are not Executive functions.</li> <li>The Committee shall not determine any application (or other matter) in a manner that would (in the opinion of the Divisional 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 Divisional Director's recommendation.</li> <li>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 Divisional Director Planning, Housing and Climate</li> </ul>		

Name and Terms of Reference		Membership
	Emergency) the item shall be referred to Council for determination.	
Stan	dards Committee:	7 members of Torbay Council in
1.	To promote and maintain high standards of conduct by councillors, co-opted members and church and parent governor representatives.	accordance with the political balance requirements
2.	To assist councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct.	Conservative (3): Cllrs Barbara Lewis, Jackie Thomas and John Thomas Liberal Democrat (2): Cllrs Atiya-
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.	Alla and Carter
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 of Conduct.	Independent Group (2): Cllrs Mills and Morey
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.	
	Council may arrange for the Standards Committee to exercise such other ions as the Council considers appropriate.	
Airs	now Working Party	5 members of the Council in

Name and Terms of Reference		Membership
1.	To enable Members to be kept fully briefed on the progress of the Torbay Air Show	accordance with the political balance requirements
2.	To monitor the budget allocated for the Torbay Air Show.	Conservative (2): Cllrs Barrand and Barbara Lewis
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).	Liberal Democrat (2): Cllrs Carter and Dart
		Independent (1): Cllr 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): Cllrs Brooks and Chris Lewis Liberal Democrat (1): Cllr Long Independent (1): Cllr Loxton
Corr	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 Children Looked After and Corporate Parenting Strategy.	5 members of the Council in accordance with the political balance requirements Conservative (2): Cllrs Barnby and Bye Liberal Democrat (2): Cllrs Steve Darling and Law

Name and Terms of Reference		Membership
Harbour Asset Working Party (plus external advisors)		Independent Group (1): Cllr Mills 5 members of the Council in
1.	To review all assets within Tor Bay Harbour and the Harbour Estate.	accordance with the political balance requirements
2.	To establish how each asset is performing.	Conservative (2): Cllrs Brooks and O'Dwyer
3.	To identify any assets that are surplus.	Liberal Democrat (1): Cllr Carter
		Independent Group (2): Cllrs 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
2.	To assist Officers to monitor and review the budget ahead of each quarterly Harbour Committee meeting.	Conservative (2): Cllrs Brooks and O'Dwyer
		Liberal Democrat (2): Cllrs Carter and Pentney
		Independent Group (1): Cllr 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): Cllrs Sykes and John Thomas
3.	To ascertain community views in respect of these matters.	Liberal Democrat (2): Cllrs Johns

Name and Terms of Reference		Membership
4.	To make recommendations about how future use of building should be taken forward.	and Long
5.	To identify relevant members from the local community and relevant representatives from the business, public and voluntary sectors to be invited to meetings.	Independent Group (1): Cllr Cowell
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).	
7.	To explore with the community all potential sources of funding for the entirety of the Phases, including, but not limited to:	
	<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 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
		Conservative (3): Cllrs Barnby,

Name and Terms of Reference	Membership
2. To consider current and emerging parking issues and to make recommendations to the appropriate decision maker.	Hill and Chris Lewis Liberal Democrat (3): Cllrs Atiya- Alla and Long Independent Group (3): Cllrs Amil, Loxton, Mills and Morey Note: Cllr Morey is representing the Liberal Democrats.