Schedule 4 – Terms of Reference

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

Name	and Terms of Reference	Membership
	Committee Activity:	6 members of the Council excluding members of the Cabinet, in accordance with the political balance requirements.
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.	Normally chaired by an Opposition Member, where political balance
2.	To approve, but not direct, the Internal Audit Strategy and annual audit plan ensuring that appropriate risk assessments have been carried out when formulating the internal audit plan and to monitor performance against the plan.	allows.
3.	To review any revisions to the plan as advised by the Head of Internal Audit and agreed by the Director of Finance.	Conservative Group (3): Cllrs Brook, Fellows and Hutchings Liberal Democrat Group (2): Cllrs
4.	To review half yearly internal audit reports and the main issues arising and seek assurance from management that action has been taken, where necessary	Long and Penny Independent Group (1): Cllr
5.	To consider summaries of specific Internal Audit reports as requested.	Maddison
6.	To consider reports dealing with the management and performance of the providers of Internal Audit Services.	Non-voting Independent Member: Mr Kristian Hawkes
7.	To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.	
8.	To consider the External Auditor's Annual Letter, relevant reports, and the report to those charged with governance.	
9.	To consider specific reports as agreed with the External Auditor.	

Nam	e and Terms of Reference	Membership
10.	To comment on the scope and depth of external audit work and to ensure it gives value for money.	
11.	To liaise with the Public Sector Audit Appointments Ltd over the appointment of the Council's external auditor.	
12.	To commission work from Internal and External Audit within approved resources.	
13.	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	
14.	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).	
15.	To maintain a strategic overview of the Council's compliance with the prevailing Accounts and Audit Regulations.	
16.	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.	
17.	To monitor the effective development and operation of risk management and corporate governance in the Council and agree necessary actions to ensure compliance with best practice	

Name	e and Terms of Reference	Membership
18.	To monitor the "Whistle blowing Policy" which meets the requirements of the Public Interest Disclosure Act 1998, to encourage employees to report suspected malpractice, fraud or crime by other staff, the public or organisations having dealings with the Council.	
19.	To monitor and review the council policy on 'Counter Fraud and Corruption' and to be responsible for the Council's procedure for investigating and responding to complaints.	
20.	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.	
21.	To oversee the Council's arrangements for corporate governance and consider necessary actions to ensure compliance with best practice.	
22.	To monitor the Council's compliance with its own and other published standards and controls.	
23.	To maintain a strategic overview of the Council's compliance with the Regulation of Investigatory Powers Act 2000 (RIPA).	
Acco	unts	
24.	To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.	
25.	On behalf of the Council, to consider and approve the annual statement of accounts.	

e and Terms of Reference	Membership
To consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.	
Committee:	4 members of the Council in accordance with the political
To consider nominations for the title of Honorary Freeman and Honorary	balance requirements
249 of the Local Government Act 1972 and by unanimous vote, make recommendations to the Council as to acceptance of any nominations.	Conservative Group (2): Cllrs Spacagna and Stevens
To identify individuals to nominate for the King's Birthday Honours and New Years' Honours list subject to those individuals meeting the criteria as set out in Government guidance and by unanimous vote, request the Chief Executive to consider progressing applications for potential nominees.	Liberal Democrat (2): Cllrs Mandy Darling and Douglas-Dunbar
loyment Committee:	6 members of the Council in
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)
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	Conservative Group (3): Cllrs Chris Lewis, David Thomas and Tyerman
procedures and arrangements.	Liberal Democrat Group (2): Cllrs Law and Long
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 Cowell
To hear and determine appeals in relation to disciplinary matters, in relation to dismissal.	
	whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council. Committee: To consider nominations for the title of Honorary Freeman and Honorary Alderman subject to, those individuals meeting the criteria as set out in Section 249 of the Local Government Act 1972 and by unanimous vote, make recommendations to the Council as to acceptance of any nominations. To identify individuals to nominate for the King's Birthday Honours and New Years' Honours list subject to those individuals meeting the criteria as set out in Government guidance and by unanimous vote, request the Chief Executive to consider progressing applications for potential nominees. Illoyment Committee: To make recommendations to Council on the appointment of the Head of Paid Service including the terms and conditions of his/her employment. 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. To consider applications for the position of Coroner and to recommend to Council the person to be appointed to that post. To hear and determine appeals in relation to disciplinary matters, in relation to

Nan	ne and	Terms of Reference	Membership
5.		nsider any matters referred by the Chief Executive on the appointment of Executive Directors on Council owned companies.	
6.		onsider any matters referred by the Chief Executive on strategic matters and to pay and conditions.	
7.	To co Execu	nsider any disciplinary or grievance matters in relation to the Chief utive.	
8.	To co Office	nsider and determine requests for Flexible Retirement from Senior ers.	
To d as a Har	determir Harbou	ommittee ne all matters relating to the strategic management of the Council's function our Authority as stipulated in The Port Good Governance Guidance, Tor Bay rt Masterplan and the Council's Policy Framework. Specifically the will:-	6 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.	. manage all of the Harbour's financial matters in accordance with The Port Good Governance Guidance, approved Council financial procedures and the Council's aspirations for the harbour to be self financing as outlined in the Tor Bay Harbour Port Masterplan and including (but not limited 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 and Director of Finance	Conservative Group (3): Cllrs Fellows, Strang and Twelves
	(b)	to make recommendations to the Cabinet on the annual ring-fenced Harbour revenue budget to form part of the Cabinet's overall recommendations to the Council on the Annual Revenue budget;	Liberal Democrat Group (3): Cllrs Carter, Fox and Penny
	(c)	receiving quarterly budget monitoring reports and to approve variances	

Nam	e and	Terms of Reference	Membership
		as appropriate; and	
	(d)	monitoring the harbour reserve funds and to seek to ensure that the funds are kept above an appropriate minimum contingency level and ensure the harbour remains self-financing;	
2.		et as Duty Holder for the purposes of the Port Marine Safety Code, the buntability for which cannot be assigned or delegated;	
3.		ove and monitor a business plan for Tor Bay Harbour, in line with the ncil's policy framework, and address any issues relating to performance;	
4.		ew these terms of reference annually and request the Council to make any essary amendments and/or additions;	
5.	and	ew annually the powers delegated to the Head of Tor Bay Harbour Authority refer any proposed changes to the Council for determination. The mittee itself shall not authorise any changes;	
6.		sider any other matters referred to the Committee by the Head of Tor Bay bour Authority;	
7.	esta	blish any sub-committee or working parties as the Committee sees fit;	
8.		mmend the format, composition and governance of the Harbour Liaison ms and keep the arrangements under review;	
9.	Lead	ovide strategic direction to the Head of Tor Bay Harbour Authority and the der of the Council in relation to those assets within Tor Bay Harbour and the our estate that are managed by Tor Bay Harbour Authority; and	
10.	Appo	oint advisors following receipt of recommendations from the Harbour pintments Sub-Committee. Appointments will be merit based and be in ordance with the Local Protocol for members of the Harbour Committee.	

Nam	e and Terms of Reference	Membership
Heal	th and Wellbeing Board	Leader of the Council or their nominee
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	Director of Adults and Community
	advancing the health and wellbeing of the people in its area.	Services;
		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
	To an accompany the converse for the annualistic of health related consists in	Integrated Care Board;
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.	Cabinet Member for Children's
4.	To anourage these who arrange for the provision of any health or again, core	Services; Torbay and South Devon NHS
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-	Foundation Trust;
	related services in its area to work closely together.	Devon Partnership NHS Trust;
	related services in its area to work closely together.	Torbay Community Development
5.	To exercise the functions of Torbay Council and South Devon and Torbay	Trust;
0.	Clinical Commissioning Group under sections 116 (health and social care: joint	Chairman of Safer Communities
	strategic needs assessments) and 116A (health and social care: joint health	Torbay;
	and wellbeing strategy) of the Local Government and Public Involvement in	Chairman of Torbay
	Health Act 2007, namely:	Safeguarding Children Board;
	· · · · · · · · · · · · · · · · · · ·	Chairman of Torbay
	Preparation of a Joint Strategic Needs Assessment; and	Safeguarding Adults Board;
	Preparation of a Joint Health and Wellbeing Strategy.	Representative from Devon and
	,	Cornwall Police;
6.	To assess needs for pharmaceutical services in Torbay and publish a statement	Divisional Director for Community
	of its first assessment and of any revised assessment.	and Customer Services;
	·	Representative of the Ageing
7.	To provide the Council its opinion on whether the local authority is discharging	Well Assembly;
	its duty under section 116B (duty to have regard to assessment and strategies)	Representative of Primary Care;

Nam	e and Terms of Reference	Membership
8.	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.	Representative of the Department for Work and Pensions; Representative of Torbay Schools.
9.	To consider the annual report of the Torbay Safeguarding Children's Board.	
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.	
Stati	utory Licensing Committee:	10 members of the Council.
1.	To discharge the functions of the Council as a Licensing Authority, with the exception of approving the Gambling and Statement of Licensing Policy which is function of the Council.	(Note: Under the Licensing Act 2003 this Committee must be between 10 and 15 members and is not required to be politically
2.	To approve future reviews and adoption of the Cumulative Impact Assessment. Since the introduction of section 5A of the Licensing Act 2003, all matters regarding Cumulative Impact Assessments are now the responsibility of the statutory Licensing Committee, by virtue of section 7(1), as it is no longer part of the Licensing Act 2003 Statement of Policy.	balanced) Conservative Group (5): Cllrs Brook, Foster, Chris Lewis, Spacagna and Stevens
		Liberal Democrat Group (4): Cllrs Douglas-Dunbar, Johns, Pentney and Virdee
		Independent Group (1): Cllr Amil
	utory Licensing Sub-Committee	To comprise 3 Members of the Statutory Licensing Committee.
	onsider and determine all matters in connection with licensing applications uding those set out in the Statement of Licensing Policy and Gambling Act	

Nam	ne and Terms of Reference	Membership
Polic	cy/Statement of Principles).	
Reg	ulatory Committee	10 Members of the Council in accordance with the political
	lischarge the functions contained in schedule 101 and 102 of the Local ernment Act 1972.	balance requirements
		Conservative Group (5): Cllrs Bryant, Foster, Chris Lewis, Stevens and David Thomas
		Liberal Democrat Group (4): Cllrs Douglas-Dunbar, Johns, Pentney and Virdee
		Independent Group (1): Cllr Amil
Reg	ulatory Sub-Committee	To comprise 3 members of the Regulatory Committee
Priva	consider and determine all matters in connection with Hackney Carriage and ate Hire Licences, Sex Establishment Licences, Street Trading Licences and sents.	
Ove	rview and Scrutiny Board:	10 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 Lead Members)
	scrutiny function (the membership of such bodies to be in accordance with Standing Order D2 in relation to Overview and Scrutiny).	excluding Members of the Cabinet and the
3.	To appoint the Council's representatives to the Heart of the South West Local Enterprise Partnership (LEP) Joint Scrutiny Committee.	Chairman/woman of the Council plus 2 Diocesan and 2 Parent Governor Representatives

Nam	e and Terms of Reference	Membership
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.	Normally chaired by an Opposition Member, where political balance allows
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.	Conservative Group (5): Cllrs Fellows, Foster, Hutchings,
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.	Spacagna and Tolchard Liberal Democrat Group (4): Cllrs
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	Douglas-Dunbar, Johns, Law and Long
	Involvement in Health Act 2007) on matters which affect the Authority's area or the inhabitants of that area.	Independent Group (1): Cllr Cowell
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	t Social Care and Health Overview and Scrutiny Sub-Board:	This is a Sub-Committee of the Overview and Scrutiny Board and
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;	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

Nam	e and Terms of Reference	Membership
	 prevention and management of risk; social care; adults wellbeing; 	Lead for Adult Services and Health. Conservative Group (3): Cllrs
	 education – supporting and enabling learning for adults; 	Bryant, Foster and Spacagna
	 internal and external partnership working for adults; supporting adults and carers; and relevant financial management; 	Liberal Democrat Group (2): Cllrs 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	Non-Voting Co-opted Members:
	Act 2001, the National Health Service Act 2006 and Health and Social Care Act 2012;	Healthwatch (1):
4.	to assess the effectiveness of decisions of the Cabinet in these areas of the Council's statutory activity; and	Chair of Voluntary Sector Network (1):
5.	to make reports and recommendations as appropriate arising from this area of overview and scrutiny.	
Chil	dren and Young People's Overview and Scrutiny Sub-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 (excluding Members of the
2.	to review universal, targeted and specialist services for children and young people including:	Cabinet), Chaired by the Scrutiny Lead for Children's Services.
	 prevention and management of risk; social care; children's and young people's wellbeing; 	Conservative Group (3): Cllrs Fellows, Tolchard and Twelves

Name and Terms of Reference	Membership
 education – supporting and enabling learning for all children and young people; internal and external partnership working for children and young people; supporting parents and families; and relevant financial management; 	Liberal Democrat Group (2): Cllrs Law and Nicolaou Statutory Education Co-opted Members:
 to assess the effectiveness of decisions of the Cabinet in these areas of the 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): Play Torbay representative (1): Voluntary and Community Sector and Alternative Provider (Education) representative (1): Representatives from the Children in Care Council, Special Educational Needs and Disabilities (SEND) Youth Forum

Name and Terms of Reference	Membership	
	or Young Person's Panel to participate in meetings where there are specific areas of interest to them.	
Planning Committee: 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. 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: Town and Country Planning, including 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.	8 members of the Council (excluding the Cabinet Lead with responsibility for Planning, in accordance with the political balance requirements) with membership comprising, if reasonably possible, members from the various areas of the Borough Conservative Group (4): Cllrs Billings, Brook, Strang and Tolchard Liberal Democrat Group (4): Cllrs Mandy Darling, Fox, Pentney and Virdee	

Nam	e and Terms of Reference	Membership
3.	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 Pride in 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. 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 Emergency) the item shall be referred to Council for determination.	
Standards Committee:		5 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 Conservative Group (3): Cllrs Stevens, Jackie Thomas and Tolchard Liberal Democrat Group (2): Cllrs Atiya-Alla and George Darling
2.	To assist councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct.	
3.	To advise the Council on the adoption or revision of the Members' Code of Conduct.	
4.	To monitor the operation of the Members' Code of Conduct.	
5.	To advise, train or arrange to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct.	
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.	

Name and Terms of Reference	Membership
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.	
Community Asset Transfer Panel	5 members of the Council in accordance with the political
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.	balance requirements, to include the appropriate Cabinet Member
T Oncy.	Conservative Group (3): Cllrs Bryant, Foster and Chris Lewis
	Liberal Democrat Group (2): Cllrs Douglas-Dunbar and Virdee
Corporate Parenting Board	5 members of the Council in accordance with the political
1. 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	balance requirements
Children Looked After and Corporate Parenting Strategy.	Conservative Group (2): Cllrs Bye and Twelves
	Liberal Democrat Group (2): Cllrs Douglas-Dunbar and Law
	Independent Member (1): Cllr Amil

Name and Terms of Reference		Membership	
Harl	bour Asset Working Party (plus external advisors)	4 members of the Council in accordance with the political	
1.	To review all assets within Tor Bay Harbour and the Harbour Estate.	balance requirements (membership restricted to	
2.	To establish how each asset is performing.	Harbour Committee members)	
3.	To identify any assets that are surplus.	Conservative Group (2): Cllrs Fellows and Strang	
		Liberal Democrat Group (2): Cllrs Fox and Penny	
Harbour Budget Working Party (plus external advisors)		4 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 (membership restricted to Harbour Committee members)	
2.	To assist Officers to monitor and review the budget ahead of each quarterly Harbour Committee meeting.	Conservative Group (2): Cllrs Strang and Twelves	
		Liberal Democrat Group (2): Cllrs Carter and Penny	
Local Plan Working Party		6 members of the Council in accordance with the political	
To assist Officers with the preparation of the revised draft Local Plan including the		balance requirements (to include	
content, timing and scope of key consultation and submission documents in accordance with the timetable as set by the Local Development Scheme (or similar document required by subsequent legislation); to make appropriate recommendations		the Cabinet Members for Place Development and Economic Growth), appointed by Council	
100	abinet and Council; and to respond to issues that may arise during examination.	Conservative Group (3): Cllrs	

Torbay Council – Constitution

Schedule 4 – Terms of Reference

Name and Terms of Reference	Membership
	Billings, Brook and Chris Lewis
	Liberal Democrat Group (2): Cllrs Fox and Pentney
	Independent Member (1): Cllr Cowell