

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
<p>Audit Committee:</p> <ol style="list-style-type: none"> 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. 2. To consider summaries of specific Internal Audit reports as requested. 3. To consider reports dealing with the management and performance of the providers of Internal Audit Services. 4. To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale. 5. To consider the External Auditor’s Annual Letter, relevant reports, and the report to those charged with governance. 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 	<p>6 members of the Council excluding members of the Cabinet, in accordance with the political balance requirements</p> <p>Conservative Group (3):</p> <p>Liberal Democrat Group (2):</p> <p>Councillor Maddison (1):</p> <p>Non-voting Independent Member:</p>

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<p>Committee to be responsible for ensuring effective scrutiny of the capital strategy, treasury management strategy and policies.</p> <p>Regulatory Framework</p> <p>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).</p> <p>12. To maintain a strategic overview of the Council’s compliance with the prevailing Accounts and Audit Regulations.</p> <p>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.</p> <p>14. To monitor the effective development and operation of risk management and corporate governance in the Council.</p> <p>15. To monitor council policies on ‘Raising Concerns at Work’ and the ‘Anti-fraud and corruption strategy’ and the Council’s complaints process.</p> <p>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.</p> <p>17. To oversee the Council’s arrangements for corporate governance and consider necessary actions to ensure compliance with best practice.</p> <p>18. To review the Code of Corporate Governance.</p>	

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<p>19. To monitor the Council’s compliance with its own and other published standards and controls.</p> <p>20. To maintain a strategic overview of the Council’s compliance with the Regulation of Investigatory Powers Act 2000 (RIPA).</p> <p>Accounts</p> <p>21. To consider the External Auditor’s report to those charged with governance on issues arising from the audit of the accounts.</p> <p>22. On behalf of the Council, to consider and approve the annual statement of accounts.</p>	
<p>Civic Committee:</p> <p>1. 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.</p> <p>2. 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.</p>	<p>4 members of the Council in accordance with the political balance requirements</p> <p>Conservative Group (2):</p> <p>Liberal Democrat (2):</p>
<p>Employment Committee:</p> <p>1. To make recommendations to Council on the appointment of the Head of Paid Service including the terms and conditions of his/her employment.</p> <p>2. To determine appointments to post of Director or equivalent positions of the Council and senior management positions at Hay Grade 528 or above, or for the</p>	<p>6 members of the Council in accordance with the political balance requirements (to include a Cabinet member)</p> <p>Conservative Group (3):</p>

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<p>most senior management position where this is lower, for its wholly owned companies, including the terms and conditions of contracts, appointment procedures and arrangements.</p> <ol style="list-style-type: none"> 3. To consider applications for the position of Coroner and to recommend to Council the person to be appointed to that post. 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 Officers. 	<p>Liberal Democrat Group (2):</p> <p>Independent Group (1):</p>
<p>Harbour Committee</p> <p>To determine all matters relating to the strategic management of the Council’s function as a Harbour Authority as stipulated in The Port Good Governance Guidance, Tor Bay Harbour Port Masterplan and the Council’s Policy Framework. Specifically the Committee will:-</p> <ol style="list-style-type: none"> 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): 	<p>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.</p> <p>(Group Leaders will be asked to take account of the geographical spread of members in making appointments to the Committee)</p>

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<p>(a) the setting of harbour charges from time to time (including in-year changes to the schedule) normally following consultation with the relevant Harbour Liaison Forums and Director of Finance</p> <p>(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;</p> <p>(c) receiving quarterly budget monitoring reports and to approve variances as appropriate; and</p> <p>(d) monitoring the harbour reserve funds and to seek to ensure that the funds are kept above an appropriate minimum contingency level and ensure the harbour remains self-financing;</p> <p>2. to act as Duty Holder for the purposes of the Port Marine Safety Code, the accountability for which cannot be assigned or delegated;</p> <p>3. approve and monitor a business plan for Tor Bay Harbour, in line with the Council’s policy framework, and address any issues relating to performance;</p> <p>4. review these terms of reference annually and request the Council to make any necessary amendments and/or additions;</p> <p>5. review annually the powers delegated to the Head of Tor Bay Harbour Authority and refer any proposed changes to the Council for determination. The Committee itself shall not authorise any changes;</p> <p>6. consider any other matters referred to the Committee by the Head of Tor Bay Harbour Authority;</p> <p>7. establish any sub-committee or working parties as the Committee sees fit;</p>	<p>Conservative Group (3):</p> <p>Liberal Democrat Group (3):</p>

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<p>8. recommend the format, composition and governance of the Harbour Liaison Forums and keep the arrangements under review;</p> <p>9. to provide strategic direction to the 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</p> <p>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.</p>	
<p>Harbour Appointments Sub-Committee</p> <p>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.</p>	<p>5 members of the Council in accordance with the political balance requirements to include the Chairman and Vice-Chairman of the Harbour Committee appointed from the Harbour Committee.</p> <p>Conservative (3):</p> <p>Liberal Democrat (2):</p>
<p>Health and Wellbeing Board</p> <p>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.</p> <p>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 Health Service Act 2006 in connection with the provision of such services.</p>	<p>Leader of the Council or their nominee</p> <p>Director of Adults and Community Services;</p> <p>Director of Children’s Services;</p> <p>Director of Public Health;</p> <p>A representative of Healthwatch Torbay;</p>

Name and Terms of Reference	Membership
<p>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.</p>	<p>A representative of Devon Clinical Commissioning Group;</p>
<p>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.</p>	<p>A representative of NHS England;</p>
<p>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:</p> <ul style="list-style-type: none"> • Preparation of a Joint Strategic Needs Assessment; and • Preparation of a Joint Health and Wellbeing Strategy. 	<p>Cabinet Member for Children’s Services;</p>
<p>6. To assess needs for pharmaceutical services in Torbay and publish a statement of its first assessment and of any revised assessment.</p>	<p>Torbay and South Devon NHS Foundation Trust;</p>
<p>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.</p>	<p>Devon Partnership NHS Trust;</p>
<p>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.</p>	<p>Torbay Community Development Trust;</p>
<p>9. To consider the annual report of the Torbay Safeguarding Children’s Board.</p>	<p>Chairman of Safer Communities Torbay;</p>
<p>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.</p>	<p>Chairman of Torbay Safeguarding Children Board;</p>

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<p>Statutory Licensing Committee:</p> <ol style="list-style-type: none"> 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. 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. 	<p>10 members of the Council, with the same membership as the Regulatory Committee</p> <p>(Note: Under the Licensing Act 2003 this Committee must be between 10 and 15 members and is not required to be politically balanced)</p>
<p>Statutory Licensing Sub-Committee</p> <p>To consider and determine all matters in connection with licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles).</p>	<p>To comprise 3 Members of the Statutory Licensing Committee.</p>
<p>Regulatory Committee</p> <p>To discharge the functions contained in schedule 101 and 102 of the Local Government Act 1972.</p>	<p>10 Members of the Council in accordance with the political balance requirements</p> <p>Conservative Group (5):</p> <p>Liberal Democrat Group (4):</p> <p>Independent Group (1):</p>
<p>Regulatory Sub-Committee</p> <p>To consider and determine all matters in connection with Hackney Carriage and Private Hire Licences, Sex Establishment Licences, Street Trading Licences and Consents.</p>	<p>To comprise 3 members of the Regulatory Committee</p>

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<p>Overview and Scrutiny Board:</p> <ol style="list-style-type: none"> 1. To approve and co-ordinate the work programme for the overview and scrutiny function for the year. 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). 3. To appoint the Council's representatives to the Heart of the South West Local Enterprise Partnership (LEP) Joint Scrutiny Committee. 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. 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. 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. 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 	<p>10 members of the Council in accordance with the political balance requirements (including the Overview and Scrutiny Co-ordinator and Overview and Scrutiny Lead Members) excluding Members of the Cabinet and the Chairman/woman of the Council plus 2 Diocesan and 2 Parent Governor Representatives</p> <p>Conservative Group (5):</p> <p>Liberal Democrat Group (4):</p> <p>Independent Group (1):</p>

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<p>risk management functions or coastal erosion risk management functions which may affect the local authority's area in accordance with Flood and Water Management Act 2010.</p>	
<p>Adult Social Care and Health Overview and Scrutiny Sub-Board:</p> <ol style="list-style-type: none"> 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; 2. to review universal, targeted and specialist services for adults including: <ul style="list-style-type: none"> • prevention and management of risk; • social care; • adults wellbeing; • education – supporting and enabling learning for adults; • internal and external partnership working for adults; • supporting adults and carers; and • relevant financial management; 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 Act 2001, the National Health Service Act 2006 and Health and Social Care Act 2012; 4. to assess the effectiveness of decisions of the Cabinet in these areas of the Council's statutory activity; and 5. to make reports and recommendations as appropriate arising from this area of overview and scrutiny. 	<p>This is a Sub-Committee of the Overview and Scrutiny Board and comprises 5 members of the Council in accordance with the political balance requirements (excluding Members of the Cabinet), Chaired by the Scrutiny Lead for Health and Adult Services.</p> <p>Conservative Group (3):</p> <p>Liberal Democrat Group (2):</p> <p>Non-Voting Co-opted Members:</p> <p>Healthwatch (1):</p> <p>Chair of Voluntary Sector Network (1):</p>

Name and Terms of Reference	Membership
<p>Children and Young People’s Overview and Scrutiny Sub-Board:</p> <ol style="list-style-type: none"> 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; 2. to review universal, targeted and specialist services for children and young people including: <ul style="list-style-type: none"> • 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; • supporting parents and families; and • relevant financial management; 3. to assess the effectiveness of decisions of the Cabinet in these areas of the Council’s statutory activity; and 4. to make reports and recommendations as appropriate arising from this area of overview and scrutiny. 	<p>This is a Sub-Committee of the Overview and Scrutiny Board and comprises 5 members of the Council in accordance with the political balance requirements (excluding Members of the Cabinet), Chaired by the Scrutiny Lead for Children’s Services.</p> <p>Conservative Group (3):</p> <p>Liberal Democrat Group (2):</p> <p>Statutory Education Co-opted Members:</p> <p>Statutory parent governor representatives (primary, secondary and academy trust) (3):</p> <p>Statutory Church of England representative (1):</p> <p>Statutory Roman Catholic Diocesan representative (1):</p> <p>Non-Voting Co-opted Members:</p> <p>Devon and Cornwall Police representative (1):</p>

Name and Terms of Reference	Membership
	<p>Play Torbay representative (1):</p> <p>Care experienced young person (1):</p> <p>Young Person Panel representative (1):</p> <p>Voluntary and Community Sector and Alternative Provider (Education) representative (1):</p>
<p>Planning Committee:</p> <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> Town and Country Planning, including <ul style="list-style-type: none"> • 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 	<p>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</p> <p>Conservative Group (4):</p> <p>Liberal Democrat Group (4):</p>

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<ul style="list-style-type: none"> • Enforcement; and • Environmental Assessment <p>so far as they are set out in Schedule 2 of this Part 3 of the Constitution (Council Functions) or are identified as Council functions in Schedule 1 of this Part 3 (Local Choice Functions): i.e. so far as they are not Executive functions.</p> <p>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.</p> <p>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.</p>	
<p>Standards Committee:</p> <ol style="list-style-type: none"> 1. To promote and maintain high standards of conduct by councillors, co-opted 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. 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 	<p>5 members of Torbay Council in accordance with the political balance requirements</p> <p>Conservative Group (3):</p> <p>Liberal Democrat Group (2):</p>

Name and Terms of Reference	Membership
<p>of Conduct.</p> <ol style="list-style-type: none"> 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. <p>The Council may arrange for the Standards Committee to exercise such other functions as the Council considers appropriate.</p>	
<p>Community Asset Transfer Panel</p> <p>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.</p>	<p>5 members of the Council in accordance with the political balance requirements, to include the appropriate Cabinet Member</p> <p>Conservative Group (3):</p> <p>Liberal Democrat Group (2):</p>
<p>Corporate Parenting Board</p> <ol style="list-style-type: none"> 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 Children Looked After and Corporate Parenting Strategy. 	<p>5 members of the Council in accordance with the political balance requirements</p> <p>Conservative Group (2):</p> <p>Liberal Democrat Group (2):</p>

Name and Terms of Reference	Membership
	Independent Member (1):
<p>Harbour Asset Working Party (plus external advisors)</p> <ol style="list-style-type: none"> 1. To review all assets within Tor Bay Harbour and the Harbour Estate. 2. To establish how each asset is performing. 3. To identify any assets that are surplus. 	<p>4 members of the Council in accordance with the political balance requirements (membership restricted to Harbour Committee members)</p> <p>Conservative Group (2):</p> <p>Liberal Democrat Group (2):</p>
<p>Harbour Budget Working Party (plus external advisors)</p> <ol style="list-style-type: none"> 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. 2. To assist Officers to monitor and review the budget ahead of each quarterly Harbour Committee meeting. 	<p>4 members of the Council in accordance with the political balance requirements (membership restricted to Harbour Committee members)</p> <p>Conservative Group (2):</p> <p>Liberal Democrat Group (2):</p>