

COMMUNITY & RESOURCES COMMITTEE

Terms of Reference and Function

The Council's Community and Resources Committee shall take decisions relating to:-

1. The formulation (but not the adoption or approval) of:-
 - a) the Policy Framework,
 - b) the budget; and
 - c) the Council's objectives and priorities.
2. The control and management of resources including land, finance and staff to further the Council's objectives.
3. Ensuring compliance with the Council's budget including the Revenue and Capital budgets and the management of the Council's assets.
4. Overall responsibility for the performance framework of the Council.
5. The adoption and approval of strategies and policies not forming part of the Policy Framework apart from those policies for which delegated power is given to the Chief Executive to approve under Part 3 Chapter 2.
6. The setting of fees and charges in relation to any of the Council's functions with the exception of any such fees and charges that must be determined by full Council.

Responsibility

The Council's Community and Resources Committee shall be responsible for managing and/or making decisions relating to any function, duty or power of the Council which is not delegated to an Officer, Member or Committee, or reserved for decision by Full Council under this Constitution or by law.

Composition

1. The number of seats shall be Twelve (12) Councillors.
2. The quorum shall be Seven (7).

OVERVIEW & SCRUTINY COMMITTEES

Statement of Purpose

The Council's Overview & Scrutiny Committees have been appointed to discharge the functions conferred by Section 21 and 21A of the Local Government Act 2000, the Police & Justice Act 2006 and the Crime and Disorder Act 1998 in relation to the work of Full Council, Council's established Committees and other external bodies.

The Council has appointed two Overview & Scrutiny Committees: an Internal Overview & Scrutiny Committee and an External Overview & Scrutiny Committee. As a guide:-

Internal Overview & Scrutiny Committee

The Internal Overview & Scrutiny Committee will exercise its functions in respect of the Council's policies, decisions, performance framework and actions with an "inward facing" emphasis.

External Overview & Scrutiny Committee

The External Overview & Scrutiny Committee will exercise its functions in respect of the performance of partners and external public sector bodies and council services with an "*outward facing*" emphasis on the area of Torridge and its inhabitants.

The Council's Overview & Scrutiny Committees will conduct their functions in accordance with the following principles:-

- a) provide a "*critical friend*" challenge to decision makers and external bodies and agencies;
- b) reflect the voice and concerns of the public and the community;
- c) take the lead and own the scrutiny process on behalf of the public; and
- d) endeavour to make an impact to improve the delivery of public services.

Terms of Reference, Function and Responsibilities – Applicable to Both Overview & Scrutiny Committees

The following terms of reference, functions and responsibilities shall apply equally to both The Internal and External Overview and Scrutiny Committees. Either of the Council's Overview & Scrutiny Committees shall:-

- a) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Council and/or any committees of the Council in accordance with the Overview and Scrutiny Procedure Rules and to recommend that either the decision be reconsidered or that the decision be exercised/implemented by the Council;
- b) hear any matter brought to it as a Community Call for Action under powers adopted under section 21A Local Government Act 2000 and make any necessary reports and/or recommendations on the same;
- c) make reports and/or recommendations to Full Council and/or any Committees in connection with the discharge of any of its functions;
- d) assist the Council and its Community & Resources Committee in the development of its budget and policy framework by in-depth analysis of policy issues;
- e) question members of the Council's Committees and in particular, as appropriate, the Chair, Vice Chair and Chief Officer regarding their views on issues and proposals affecting the District;
- f) make recommendations to the Council's Committees and/or Full Council arising from the outcome of the scrutiny process;
- g) question and gather evidence from any person (with their consent); and
- h) call officers to account under the relevant Petition Scheme from time to time in force and contained at Part 7, Chapter 1 of the Constitution.

Finance

The Overview & Scrutiny Committees may exercise overall responsibility for any budgets made available to them.

Annual Report

Each Overview & Scrutiny Committee will report annually to Full Council on its workings, and make recommendations for future work programmes and amended working methods, as necessary.

Officers

The Overview & Scrutiny Committees may exercise overall responsibility for the work programme of the Officers employed to support their work.

Internal Overview & Scrutiny Committee - Terms of Reference, Function and Responsibilities

The following terms of reference, functions and responsibilities shall apply to the Council's Internal Overview & Scrutiny Committee only. The Council's Internal Overview

& Scrutiny Committee shall:-

- a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions including decisions taken by the Community & Resources Committee or by an Officer;
- b) review matters previously decided by the Community and Resources Committee of the Council and matters referred to it by Full Council under the Referral Procedure set out in Part 4 Chapter 4 of this Constitution;
- c) exercise any of its functions in respect of decisions relating to the overall resource of the Council, both land and finance;
- d) monitor the overall budget of the Council and ensure compliance with that budget (both revenue and capital) and the Council's assets, including arrangements for audit and review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- e) monitor compliance with the Council's overall policy framework;
- f) monitor the efficient administration of the Council's trading responsibilities;
- g) question members of the Community & Resources Committee and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or project
- h) consider Ombudsman reports as relevant to the Community & Resources Committee.

External Overview & Scrutiny Committee - Terms of Reference, Function and Responsibilities

The following terms of reference, functions and responsibilities shall apply to the Council's External Overview and Scrutiny Committee only. The Council's External Overview & Scrutiny Committee shall:-

- a) consider any matter affecting the area or its inhabitants;
- b) conduct research and reviews in relation to matters which are not the responsibility of the Council but which affect the Council's area or its inhabitants and submit reports and/or recommendations to the Council, its Committees or other relevant organisations;
- c) conduct research of the community and other consultation in the analysis of policy issues and possible options;
- d) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
- f) review and scrutinise the performance of other public bodies and bodies with whom the Council works in the area and invite reports from them by requesting them to address the External Overview & Scrutiny Committee and local people about their activities and performance;
- g) act as Crime & Disorder Scrutiny Committee under section 19 of the Police & Justice Act 2006, ie, 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

Composition of both Internal and External Overview & Scrutiny Committees

1. The Council's Overview & Scrutiny Committees shall be made up of up to twelve
(12) Members.
2. Membership of the Council's Overview & Scrutiny Committee shall be made up as follows:-
 - a) Nine (9) District Councillors; and
 - b) Up to three (3) Non-Elected Representatives.
3. The quorum shall be six (6).
4. Non-Elected Representatives are entitled to vote at Committee meetings in accordance with the Council's adopted Voting Scheme.

AUDIT & GOVERNANCE COMMITTEE

Statement of Purpose

The purpose of The Audit & Governance Committee is to provide assurance of the adequacy of the risk management framework and the associated control environment, scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

Terms of Reference. Function and Responsibilities

The Council's Audit & Governance Committee shall be responsible for:-

1. Audit Activity

- a) To consider the Internal Audit Manager's Annual Report and opinion, and receive a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements;
- b) To consider summaries of specific internal audit reports as requested;
- c) To consider reports dealing with the management and performance of the providers of internal audit services;
- d) To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale;
- e) To consider the external auditor's annual letter, other relevant reports, and the report to those charged with governance;
- f) To consider specific reports as agreed with the external auditor;
- g) To comment on the scope and depth of external audit work and to ensure it gives value for money;
- h) To liaise with Public Sector Audit Appointments Limited over the appointment of the council's external auditor;
- i) To commission work from internal and external audit.

2. Regulatory Framework

- a) To maintain an overview of the Council's Constitution in respect of Contract Procedure Rules, Financial Procedure Rules and Codes of Conduct and Behaviour;
- b) To review any issue referred to it by the Chief Executive or the Head of Legal & Governance (Monitoring Officer), or any Council body;
- c) To monitor the effective development and operation of risk management and corporate governance in the council;
- d) To monitor council policies on "*Raising Concerns at Work*", the Anti-Fraud and Anti-Corruption Strategy and the Council's complaints

- process;
 - e) To approve and adopt the Council's Annual Governance Statement or Statement on Internal Control.
 - f) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice;
 - g) To consider the Council's compliance with its own and other published standards and controls.
3. Accounts
- a) To review and approve the Annual Statement of Accounts. Specifically, 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;
 - b) To consider the external auditor's report to those charged with governance on issues arising from the audit of accounts.

Composition & Administration

Composition

1. The Council's Audit & Governance Committee shall be made up of seven (7) Members.
2. Membership of the Council's Audit & Governance Committee shall be made up as follows:-
 - a) Six (6) District Councillors; and
 - b) One (1) Independent/Non-Elected Representative.
3. The quorum shall be Four (4)

Administration

The Council's Audit & Governance Committee and its members shall:-

- a) Be independent of the Council's scrutiny function and Overview and Scrutiny
- b) Committees;
- c) Have clear reporting lines and rights of access to other committees/functions, for example Scrutiny and Service Committees, corporate risk management and other strategic groups;
- d) Meet regularly, and have a clear policy on those items to be considered in private and those to be considered in public;
- e) Meet privately and separately with the External Auditor and Audit Manager;
- f) Include as regular attendees, the Head of Finance and S151 Officer, and appointed external auditor. Other attendees may include the Head of Legal & Governance & Monitoring Officer and Chief Executive. These Officers should also have access to the committee, or chair, as

- required
- g) Have the right to call any other Officers or agencies as required;
 - h) Be properly trained to fulfil their role

PLANS COMMITTEE

Terms of Reference, Function and Responsibility

The Council's Plans Committee shall:-

1. Be responsible for making decisions in respect of the Council's regulatory responsibilities in connection with the Council's Planning function to include decisions on:-
 - a) development control;
 - b) enforcement obligations; and
 - c) the Council's tree preservation system.
2. Provide assistance to constituents where appropriate, by advising them to seek pre-application advice and/or guidance from the Council's Development Control and Policy Sections.
3. Discuss and clarify with Officers what is "good" development for the District.
4. Where applications are in the District's interests but against the Local Plan, the Plans Committee shall discuss these applications as "test cases" and have informed discussion at the Plans Committee meetings.

Decision Making by and Public Participation at Plans Committee

1. All decisions of the Plans Committee will be made having due regard to the Local Development Framework and supporting policies which together form the Council's Local Plan unless there are any overriding considerations.
2. In the event that the Plans Committee is minded to approve or refuse a Major or otherwise strategically significant planning application contrary to the recommendation of the Planning Manager or the Head of Communities & Place with responsibility for planning, the application shall stand deferred for a further report to be presented at a subsequent meeting of the Plans Committee at which the implications, process and risk issues for the Council shall be considered by Members before reaching a decision. A Major Planning Application is considered to be 10 dwellings or more.

3. Members of the public will be allowed to speak at a Plans Committee Meeting for a maximum time of three minutes per person and subject to the approved Guide to Public Participation and Code of Conduct which can be found at Part 5 of the Constitution.
4. The final determination of every application by the Plans Committee shall be subject to a recorded vote whereby the names for and against the Motion or abstaining from voting will be recorded and entered into the minutes.

Composition of the Plans Committee

1. The Council's Plans Committee shall be made up of up to nine (9) qualified Members.
2. The quorum shall be six (6).

LICENSING COMMITTEE

Terms of Reference, Function and Responsibility

The Council's Licensing Committee shall:-

1. Carry out the functions of the Council as Licensing Authority so far as required or permitted by the Licensing Act 2003 in accordance with sections 6,7,9 and 10 of that Act and Regulations thereunder.
2. Carry out the functions of the Council as Licensing Authority under the Gambling Act 2005.
3. Be responsible for the following licensing and associated issues (excluding the fixing of fees and charges and other financial issues which fall to the Council's Community and Resources Committee):
 - a) Food Premises;
 - b) Body Piercing, Acupuncture, etc;
 - c) Hackney Carriage and Hire Cars; Private Hire Vehicles, Drivers and Operators;
 - d) Boats and Boatmen;
 - e) Street Collections;
 - f) House to House Collections;
 - g) Animal Welfare;
 - h) Sex Establishments, Caravan Sites;
 - i) Entertainment, etc
 - j) Consumption of Alcohol in Public Places;
 - k) Loudspeakers in the Street;
 - l) Scrap Metal Dealers & Motor Salvage Operators
 - m) Vessels
 - n) Amusements with Prizes, Betting, Gaming and Gambling
 - o) such other licensing and associated issues that are not dealt with by any other Committee

Composition

1. The Council's Licensing Committee shall be made up of up to ten (10) qualified Members.
2. The quorum shall be Six (6).
3. The functions of the Council's Licensing Committee may be discharged by up to three (3) Members sitting on a sub-committee subject to approval at Annual Council.
4. Membership of the Council's Licensing Committee shall be cross-party and non- political.

STANDARDS COMMITTEE

Terms of Reference, Function and Responsibility

The Council's Standards Committee shall:-

1. Promote and maintain high standards of conduct by the Members and Co-Opted Members of the Council;
2. Assist Members and co-opted Members of the Council to observe the Members' Code of Conduct;
3. Advise full Council on the adoption or revision of the Members' Code of Conduct;
4. Monitor the operation of the Members' Code of Conduct;
5. Advise, train or arrange training for members and co-opted Members on matters relating to the Members' Code of Conduct;
6. Grant dispensations to District Council Members and Co-Opted Members from requirements relating to interests set out in the Members' Code of Conduct;
7. Deal with any reports relating to complaints from the Monitoring Officer;
8. Provide the same functions (other than the grant of dispensations) in relation to Parish Councils and Members of the Parish Councils as in relation to Torridge District Council and Members of Torridge District Council;

Powers to Impose Sanctions

1. The Standards Committee shall have the following powers when dealing with and deciding upon a complaint:-
 - a) To issue a censure to a Member;
 - b) To request that a Member issue a written apology;
 - c) To recommend that a Member undergo appropriate training;
 - d) To recommend to the relevant Group Leader and to Full Council and/or a Parish/Town Council that other action be taken against a Member;
 - e) Publication of the findings of the Standards Committee including media statements or press releases, publication on the Council's website and inclusion of details in the Members Bulletin;

- f) Report the findings of the Standards Committee to Full Council;
- g) Recommend to the Member's Group Leader (or in the case of ungrouped Members, recommend directly to Full Council) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- h) Recommend to Full Council that the Member be removed from their role as Lead Member if applicable;
- i) Recommend to Full Council that the Member be removed from all outside bodies to which they have been appointed or nominated by Full Council;
- j) Recommend to Full Council the withdrawal of certain facilities provided to the Councillor by the Council as may be reasonable in the circumstances;
- k) Recommend to Full Council that the Councillor be excluded from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Full Council, committee and sub-committee meetings or put in place such restrictions on access to staff as may be reasonable in the circumstances;
- l) Recommend to Full Council the suspension, withdrawal or reduction of a Councillor's Voluntary Grant Budget for a period of time following the finding of breach.

Composition

1. The Council's Standards Committee shall be made up of up to nine (9) members.
2. Membership of the Council's Standards Committee shall be made up as follows:-
 - a) Seven (7) District Councillors; and
 - b) Two (2) Town/Parish Representatives:

of whom the quorum shall be Five (5).
3. The Council shall appoint up to two (2) Independent Persons to assist the Standards Committee, the Monitoring Officer, and individual Councillors in accordance with the Localism Act 2011.
4. The functions of the Council's Standards Committee may be discharged by sub-committees appointed by the Standards Committee.
5. The Town/Parish representatives shall not be entitled to vote at Standards Committee meetings but shall be able to take part in the discussions.
6. The Independent Persons will be invited to attend meetings of the Standards Committee and take part in the discussions, but shall not be entitled to vote.

PROPERTY AND MAJOR PROJECTS WORKING GROUP

Terms of Reference and Function

The Property and Major Projects Working Group was established by Community and Resources Committee as a forum for discussing the Council's current and proposed major projects, and for resolving day-to-day issues arising from those projects (within the parameters of the approved project) so as not to impede progress.

The Property and Major Projects Working Group shall:-

1. Monitor and receive updates in relation to current major projects;
2. Provide guidance in relation to matters arising from current projects which may impede progress, such guidance to be exercised within the parameters of the formal approval for the project.
3. Consider proposals for new major projects while in the formative stages to assist officers in determining the approach to be taken in relation to those proposals.

Composition

1. The number of seats shall be four (4) Members comprising:
 - a. The Leader of the Council (Chair)
 - b. The Deputy Leader of the Council (Vice Chair)
 - c. The Chair of Community & Resources Committee
 - d. Another Member appointed annually by Full Council

In the event that the Leader or Deputy Leader of the Council is also the Chair of the Community & Resources Committee, the Chair of the Audit & Governance Committee shall take their place on the Property and Major Projects Working Group.

2. The quorum shall be two (2).

COUNCILLOR CLIMATE CHANGE WORKING GROUP

Terms of Reference and Function

The Torridge Climate Emergency Working Group will provide strong strategic direction and oversight in order to achieve Torridge District Council's target of carbon neutrality by 2030.

2. Responsibilities

The Working Group will:

- Enable and establish collaborative working across the Council and engagement with individuals, community groups, parish and town councils, businesses and other partners in the district.
- Investigate steps that may be taken by the Council and by Torridge residents and businesses to work towards the Council's commitment to achieving net-zero carbon status by 2030 and towards protecting and enhancing biodiversity.
- Oversee the Carbon and Biodiversity Plan for TDC, ensuring that actions are realistic, measurable and deliverable. Provide input into the development of the plan and strategic direction and oversight of its delivery, once adopted, making recommendations to Full Council, Community & Resources Committee and other strategic and governance committees and groups, as necessary.
- Identify support needed from Central Government in terms of funding, additional powers and policy changes which are needed to achieve the Council's climate and ecological objectives.
- Monitor funding opportunities making recommendations through governance structures where necessary or support Officers to undertake bids/projects.
- To identify, support and champion climate and ecological progress across the Council whilst providing an appropriate level of critical challenge for the organisation.
- To identify, promote and participate in partnership opportunities that will progress TDC's stated Carbon and biodiversity goals.
- To promote and champion the actions, progress and achievements of TDC in meeting its carbon neutrality, environmental and economic development aims.

- Through governance structures to report on activities, outcomes, risks and resource demands, and action direction out of these governance arrangements.
- To provide support and oversight of actions, initiatives and opportunities coming out of Devon County Council's declaration of climate emergency made in February 2019.
- To support and champion Torridge's high-quality environment, air, land, water, food products and renewable energy resources.
- To identify appropriate income generating opportunities which will tie in with the council's climate objectives.

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3. Quoracy

The quorum level shall be 4.

Membership can be expanded on agreement of the group. External representatives can also be invited to join the group subject to approval of the Chair, to offer specialist advice or support. Officers will attend to support the Working Group, as necessary. Members can nominate substitutions at meetings if necessary.

The Climate Change Working Group shall have no decision-making powers other than the power to make recommendations to the Council's Community and Resources Committee