

# 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 service

## **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 their 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 Chairperson, Vice Chairperson 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 Finance Manager and S151 Officer'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 and Governance and 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) 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 Committees;
- b) 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.
- c) Meet regularly, and have a clear policy on those items to be considered in private and those to be considered in public;
- c) Meet privately and separately with the External Auditor and Finance manager and S151 Officer;
- d) Include as regular attendees, The Finance Manager and S151 Officer, and appointed external auditor. Other attendees may include The Head of Legal and Governance & Monitoring Officer and Chief Executive. These Officers should also have access to the committee, or chair, as required;
- e) Have the right to call any other Officers or agencies as required;
- g) 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. 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.
3. 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) Hackney Carriage and Private Hire Vehicles, Drivers and Operators
  - b) Boats and Boatmen;
  - c) Street Collections;
  - d) House to House Collections;
  - e) Animal Welfare;
  - f) Sex Establishments;
  - g) Scrap Metal Dealers & Motor Salvage Operators and;
  - h) 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 Head of Legal and Governance & 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:
3. The quorum shall be Five (5)
4. The Council shall appoint up to three (3) Independent Persons to assist the Standards Committee, The Head of Legal and Governance & Monitoring Officer, and individual Councillors in accordance with the Localism Act 2011.
5. The functions of the Council's Standards Committee may be discharged by sub-committees appointed by the Standards Committee.
6. The Town/Parish representatives shall not be entitled to vote at Standards Committee meetings but shall be able to take part in the discussions.
7. 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.

## JOINT PLANNING POLICY COMMITTEE

### **Terms of Reference of the Joint Planning Policy Committee**

1. Each of the Partner Authorities shall appoint seven members (being elected members of that Partner Authority) as its nominated members of the Joint Committee. The members appointed shall have full voting rights. The members appointed must include:
  - 1.1 the Leader of each Partner Authority; and
  - 1.2 Lead Members for Economy, Environment, Climate, Planning, Housing and Community or such other members from TDC as TDC shall consider appropriate with the equivalent or such other members from NDDC as NDDC shall consider appropriate.
2. Each Partner Authority may nominate one or more substitute members to attend any meeting in place of an appointed member from that Partner Authority and notification being given to the Lead Authority responsible for governance and secretarial Support Services, before the start of the meeting. The member appointed as a substitute shall have full voting rights where the member for whom they are substituting does not attend. If all of a Partner Authority's nominated members attend a meeting of the Joint Committee, any named substitute may also attend as an observer but shall not be entitled to vote.
3. Each member of the Joint Committee shall comply with the Code of Conduct of their Partner Authority when acting as a member of the Joint Committee.
4. Each of the Partner Authorities may remove any of its nominated members or substitute members of the Joint Committee and appoint a different member or substitute to the Joint Committee by giving written notice to the Lead Authority for governance and secretarial Support Services.
5. Each Partner Authority shall have seven votes. These shall be exercised by the nominated members who are elected members of the Partner Authority. In the absence of a Partner Authority's nominated member, a vote may be exercised by the named substitute who is an elected member of the Partner Authority.
6. Each member of the Joint Committee shall serve upon the Joint Committee for as long as he or she is appointed to the Joint Committee by the relevant Partner Authority but a member shall cease to be a member of the Joint Committee if he or she ceases to be a member of the Partner Authority appointing him or her as a member of the Joint Committee.
7. Any casual vacancies howsoever arising shall be filled by the Partner Authority from which the vacancy arises by notice in writing sent to the Lead Authority for governance and secretarial Support Services.
8. Meetings of the Joint Committee shall be held at the offices of the member appointed as chairperson, unless otherwise agreed by the Joint Committee.

9. The Partner Authority hosting the first meeting shall appoint one of its nominated members as chairperson and that member shall remain chairperson until the first meeting taking place after the elapse of one year from the time of his or her appointment unless he or she ceases to be a member of the Joint Committee. On the expiry of the first chairperson's term of office as chairperson, the Partner Authority which did not appoint the first chairperson shall appoint one of its nominated members as chairperson for a period of one year from the time of his or her appointment. The same procedure shall be followed for the appointment of chairperson in subsequent years.
10. The Partner Authority which has not appointed the chairperson of the Joint Committee in any year shall appoint one of its nominated members as vice chairperson.
11. The Joint Committee shall meet once every quarter unless otherwise determined by the Joint Committee.
12. The Lead Authority for governance and secretarial Support Services may call additional meetings by providing at least five clear days' notice to members of the Joint Committee, for the purposes of resolving urgent matters arising between the bi-monthly meetings of the Joint Committee. The Lead Authority for governance and secretarial Support Services must call a meeting of the Joint Committee if at least five members of the Joint Committee from each Partner Authority requests it or if the Chief Executive of both Partner Authorities requests it.
13. Meetings shall be notified to members of the Joint Committee by the Lead Authority for governance and secretarial Support Services.
14. The Lead Authority for governance and secretarial Support Services shall publish the agenda for each meeting of the Joint Committee no later than five clear Working Days before the date of the relevant meeting.
15. The Lead Authority for governance and secretarial Support Services shall send, electronically, to all members and relevant officers of each Partner Authority, the agenda for each meeting of the Joint Committee no later than five clear Working Days before the date of the relevant meeting.
16. The Lead Authority for governance and secretarial Support Services shall arrange for written minutes to be taken of each meeting of the Joint Committee and shall arrange for an officer to present them to the Joint Committee at its next meeting for approval as a correct record. If the Joint Committee confirms that the minutes contain an accurate record of the previous meeting, those minutes shall be signed by the chairperson and vice chairperson.
17. Meetings of the Joint Committee will commence at 10.00am unless otherwise agreed by the Joint Committee. Meetings of the Joint Committee shall end no later than 1.00pm unless otherwise agreed by the Joint Committee.
18. A meeting of the Joint Committee shall require a quorum of seven members with a minimum of three members, who are entitled to attend and vote, coming from one Partner Authority with the remainder, to make the meeting at least quorate, from the other Partner Authority. If there is a quorum of members

present but neither the chair nor the vice-chair is present, the members present shall designate one member to preside as chair for that meeting.

19. Subject to the provisions of any enactment, all questions coming or arising before the Joint Committee shall be decided by a majority of the Partner Authority members of the Joint Committee immediately present and voting thereon. Subject to the provisions of any enactment, in the case of an equality of votes the chairperson shall have a second or casting vote but, before exercising this, the chairperson shall consider whether it is appropriate to defer the matter to the next meeting of the Joint Committee.
20. Any member of the Joint Committee may request the Joint Committee to record the votes of individual members of the Joint Committee on a matter for decision.
21. A member, when speaking, shall address the chairperson. If two or more members wish to speak, the chairperson shall call on one to speak. While a member is speaking all other members shall remain silent.
22. A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.
23. Only one amendment to a proposal may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of, providing the chairperson may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Joint Committee's business.
24. If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion, as amended, shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
25. The order of business shall be indicated in the agenda for the meeting.
26. When a motion is under debate by the Joint Committee no other motion shall be moved except the following:
  - 26.1 to amend the motion;
  - 26.2 to adjourn the meeting;
  - 26.3 to adjourn the debate;
  - 26.4 to proceed to the next business;
  - 26.5 that the question may now be put;
  - 26.6 that a member shall not be further heard;
  - 26.7 by the chairperson, that a member leave the meeting;
  - 26.8 a motion under section 100(A)(4) of the Local Government Act 1972 to exclude the public; or
  - 26.9 to postpone consideration on an item.
27. A member may move without comment at the conclusion of a speech of another member, "That the Committee proceed to the next business", "That

the question may now be put”, “That the debate is now adjourned”, or “That the Committee now adjourn”, on the seconding of which the chair shall proceed as follows:

- 27.1 on a motion to proceed to next business: unless in his/her opinion the matter before the meeting has been insufficiently discussed to put to the vote, the motion to proceed to next business;
- 27.2 on a motion that the question may now be put: unless in his/her opinion the matter before the meeting has been insufficiently discussed he/she shall first put to the vote the motion that the question may now be put; or
- 27.3 on a motion to adjourn the debate or meeting: if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion put the adjournment motion to the vote.

The ruling of the chair shall not be open for discussion.

28. Any member of the Partner Authorities who is not a member of the Joint Committee is entitled to attend the Joint Committee and make representations in respect of Non-Restricted and Restricted Items by leave of the chairperson (but shall not be entitled to vote or take part in the consideration or discussion of any business), and comments will be recorded only on the direction of the chairperson.
29. The following elected representatives are entitled to attend the Joint Committee and make representations in respect of Non-Restricted Items to the Joint Committee by leave of the chairperson (but shall not be entitled to vote or take part in the consideration or discussion of any business) and comments will be recorded only on the direction of the chairperson:
  - 29.1 Members of parish councils within the districts of the Partner Authorities;
  - 29.2 Members of Devon County Council; and
  - 29.3 Members of Parliament for the residents of the Partner Authorities.
30. Meetings of the Joint Committee will be open to the public except to the extent that they are excluded under paragraph 32.
31. Members of the public wishing to address the Joint Committee (or a sub-committee of the Joint Committee) on Non-Restricted Items contained within the agenda for the meeting shall be given the opportunity to do so subject to:
  - 31.1 the opportunity being extended to one or more person(s) at the discretion of the chairperson to speak in support of each agenda item and one or more person(s) at the discretion of the chairperson to speak against each agenda item when called to do so by the chairperson;
  - 31.2 an indication of the desire to speak on the agenda item being made by the person in writing not less than two days before the scheduled Committee Meeting. The written request must be sent by e-mail to [memberservices@northdevon.gov.uk](mailto:memberservices@northdevon.gov.uk) or such other address as provided by the Lead Authority for governance and secretarial support;
  - 31.3 each person addressing the Joint Committee or sub-committee of the Joint Committee being limited to three minutes' speech;

- 31.4 in the event of the person having registered to speak on an agenda item not wishing to take up their right to speak on the agenda item because it was deferred, that person will automatically be given the right to speak on the agenda item at the next meeting of the Joint Committee or sub-committee of the Joint Committee; and
- 31.5 the chairperson of the meeting having discretion to rule that a person wishing to address the meeting shall not be heard if, in the chairperson's view, that issue or the organisation or the person wishing to make the representation on that issue has received an adequate hearing.
32. In accordance with the requirements of the 1972 Act, the public or press must be excluded from a meeting by resolution of the Joint Committee during an item of business if that item includes:
  - 32.1 confidential information, as defined in section 100A(3) of the 1972 Act; or
  - 32.2 exempt information, as defined in section 100I of the 1972 Act.
33. The Joint Committee may delegate a function to an officer.
34. The Joint Committee may appoint such task teams or working groups as they consider appropriate in order to consider and report to the Joint Committee on specific matters.
35. Any contractual arrangements that relate to an Agreed Function will be undertaken by one of the Partner Authorities and that Partner Authority shall apply its own financial regulations and contract procedure rules to such an arrangement. The Partnership Leader of the Partner Authority that is incurring the expenditure will normally determine which of the Partner Authority's financial regulations and contract procedure rules will apply and, in the event of any dispute or uncertainty, the matter should be referred to the Chief Executives for determination.
36. The Lead Authority responsible for governance and secretarial Support Services shall provide administrative support services to the Joint Committee on such terms as may be agreed from time to time between the Partner Authorities. The Partner Authorities shall make available committee officers to provide administrative services at the meetings of the Joint Committee as appropriate and in consideration of where the meetings are being held.
37. The Lead Authority for legal Support Services shall provide the Joint Committee with legal advice and support on such terms as may be agreed from time to time between the Partner Authorities.
38. The Lead Authority for financial Support Services shall provide the Joint Committee with financial advice and support on such terms as may be agreed from time to time between the Partner Authorities.



# HARBOUR BOARD

## **Terms of Reference for Bideford Harbour Board Working Group**

### **Purposes**

To receive reports from the Operational Services Manager on issues affecting the management of Bideford Harbour and to consider such issues and make recommendations as appropriate to the Community and Resources Committee.

To establish and maintain strong links with Harbour users, the community and other stakeholders.

To uphold the principles of governance set out in the Department for Transport's "Modern Ports – a UK Policy" and "Opportunities for Ports in Local Authority Ownership" and comply with the local and national Harbour Acts and other relevant legislation.

To participate in reviews of Council policy so far as it affects Bideford Harbour.

### **Membership**

The working group shall consist of:-

6 Members of Torridge District Council including the Chair of the Community and Resources Committee

3 Members who shall not be Members of Torridge District Council but whom, because of particular expertise or interest, the Council considers should be members of the Working Group.

Initial appointments of independent members shall be for a period of 6 months and may be extended to four years, subject to review. Subsequent appointment of independent members shall be for a period of 4 years.

### **Chairman**

The Chair of the Working Group shall be the Chair of the Community and Resources Committee. The Working Group shall appoint a Vice Chair as part of the business of the first meeting and from time to time thereafter. If the Chair and Vice-Chairman are not present at a meeting, the Working Group shall appoint a Chair to act at that meeting from amongst those present.

## **Meetings**

The Working Group shall meet at least once every three months, or at such other times as may be necessary.

Meetings of the Working Group shall be open for public attendance unless exempt or potentially exempt information, within the meaning of the Local Government Act 1972 Schedule 12A is likely to be discussed, in which case, Members may vote to exclude the press and public from that part of the meeting at which such information is being disclosed or discussed.

Members of the public may speak at meetings of the Working Group only at the absolute discretion of the Chair.

## **Voting**

All members of the Working Group shall have voting rights and the Chair shall have the casting vote. All procedures, so far as they are not affected by this document, shall be in accordance with the Council's constitution.

## **Quorum**

The quorum for a meeting of the Working Group shall be 3 of whom 2 must be members of the Council.

## **Support**

The Working Group will be supported by officers from Torridge District Council including the Harbour Manager and the Operational Services Manager.

## **Other attendees**

The Working Group may invite others to participate in discussions at a meeting where the Working Group considers it appropriate to do so.

## **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 the Council 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.

### **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