



COUNCIL OF THE ISLES OF SCILLY

TERMS OF REFERENCE

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Including

- Introduction
- Committee terms of reference

This chapter of the Members Handbook contains the Terms of Reference of the Committees set up by Council of the Isles of Scilly.

Terms of Reference are confirmed each year by resolution of the Annual Council, as recorded in the minutes.

The publication date is stated on the front cover.

Introduction

Terms of Reference cited here were approved by Annual Council on 21 May 2013 (Min C53/13) and further amendments are cited in the relevant sections.

- 1.1 The Terms of Reference for Committees set out the areas for which individual Committees have responsibility.
- 1.2 Most functions are delegated to Committees but some are reserved for decision by the Council. A full list of these functions appear in Standing Order 25.3 but to provide general guidance these include:
 - 1 the approval of capital and revenue estimates;
 - 2 the making of bylaws;
 - 3 the compulsory acquisition of land or buildings;
 - 4 the institution of new services or the discontinuance or substantial alteration of existing services;
 - 5 matters of new principle affecting the Council as a whole or having a common and continuous application in the spheres of responsibility of more than one Committee;
 - 6 appointments to outside bodies.

Other more specific reservations are listed under the appropriate Committee—eg Policy and Resources.

- 1.3 It should be noted that ALL staffing matters fall within the remit of the Policy and Resources Committee.
- 1.4 The Terms of Reference of Sub-Committees and Working Parties can be found in the Members and Committees chapter of this handbook, listed under the committees which set them up.

CHILDREN AND YOUNG PEOPLE'S COMMITTEE

- 2.1 To exercise the powers and duties of the Council in relation to Children's services and to scrutinise the work of the Children's Trust Board (or its successor).
- 2.2 To work in partnership with Health and other agencies delivering services for young people to secure services for children, young people and their families.
- 2.3 To facilitate and monitor the outcomes of the Every Child Matters agenda:
- 2.4 To monitor the Children and Young People's Plan and other statutory plans in relation to children, young people and extended schools.
- 2.5 To undertake the statutory duties of the Authority in relation to the employment of children.
- 2.6 To undertake the statutory duties of the Authority in relation to the 14-19 agenda and Youth Services.
- 2.7 The management of Home-School transport.
- 2.8 Responsibility for the management of its budgets and for approving virements between headings within those budgets provided that the Committee's net expenditure is not exceeded.
- 2.9 To set the Committee's Fees and Charges.

CHILDREN'S TRUST BOARD

Introduction:

The Children's Trust Board for the Isles of Scilly is charged with providing the strategic lead and co-ordination for the Children's Trust as a whole. The Board will enhance the full engagement of all agencies in the work of the Children's Trust by encouraging a culture and framework through which partners feel confident in developing and delivering services on a multi-agency basis.

Purpose:

- To shape and improve children's services across the Isles of Scilly
- To drive continuous improvement in outcomes for children and young people
- To promote access to facilities both on the Islands and on the mainland
- To plan and commission services
- To manage performance and delivery
- To develop, publish and review the Children and Young People's Plan for the Isles of Scilly

Operating Principles:

- All strategic commissioning decisions, particularly those involving more than one agency, will be made through the Children's Trust
- Partners will align individual plans to the Children and Young People's Plan
- Partners will align, and where appropriate, pool budgets to enable joint commissioning of services
- The involvement and engagement of children, young people and their families will be a consistent part of the Children's Trust work
- Partners will work together actively to manage risk
- The voice of service providers will always be considered in planning and commissioning decisions
- Performance will be actively managed and challenged
- Equality and diversity will be a consistent consideration across the Children's Trust
- Partners will act in accordance with any frameworks agreed by the Children's

Trust e.g. performance, communications, commissioning and information sharing

Objectives

- To lead partners in the development of the vision and strategy, for services for children and young people in the Isles of Scilly. This will be captured in the Children and Young People's Plan (CYPP) which the Children's Trust has a statutory duty to produce.
- To lead, and hold accountable, all partners in the delivery and commitment to the CYPP, including those elements of the Local Area Agreement that are the responsibility of the Children's Trust.
- To ensure that the safeguarding agenda for children and young people in the Isles of Scilly is delivered across the Trust, promoting the work of the Cornwall and Isles of Scilly Safeguarding Children Board and challenging activity supportively.
- To ensure appropriate delivery of effective, integrated and locally focused services for children and young people through joint commissioning and planning. This will include allocating and shifting resources, at a strategic level, to meet priorities and overcome gaps and barriers.
- To deliver value for money services by the effective use of joint commissioning through the pooling and aligning of partners' resources with regular performance reporting.
- To secure effective consultation with children, young people and parents/carers when developing services.
- To develop a proactive framework and culture across stakeholders to determine priorities for future service developments, and by the work of the Trust to deliver these for children and young people.

Work Programme

- directing the work of any sub-group that may be established
- approval of multi-agency strategies and plans
- agree overall resource requirements, initially to enable production of the Children and Young People's Plan
- performance management, by exception, of key information around performance within children's services and particularly with the delivery of the CYPP and LAA

elements pertinent to the Children's Trust

Accountability

The Children's Trust is accountable to current democratic and professional governance structures. Members of the Board will act within their delegated powers but also represent their agencies in terms of a commitment to developing and delivering services in a multi-agency way.

The Lead Member for Children's Services and the Director of Children's Services are accountable for ensuring Children's Trust arrangements are in place, including the involvement of those key partners with a duty to co-operate Membership

The following organisations' representatives will be members on the Children's Trust

Board:

- Lead Member for Children and Young People, Council of the Isles of Scilly
- Director of Children's Services, Council of the Isles of Scilly
- Elected members of the Council of the Isles of Scilly (3)
- PCT (2)
- Police
- Chair of the Cornwall and Isles of Scilly Local Safeguarding Children Board (participating observer)
- Representative of the voluntary sector
- School representative
- GP
- Careers South-West
- Youth Offending Team
- Job Centre Plus
- Diocese
- Probation

The Chair of the Children's Trust Board shall be the Lead Member for Children's Services of the Council of the Isles of Scilly. The Vice-Chair of the Board will be elected annually.

Responsibilities of being a representative

All members of the Children's Trust will:

- be clear who they are representing and their role
- feed in views of their host agency
- take back and act on decisions / issues from the Children's Trust
- attend meetings regularly
- give adequate notice if unable to attend a meeting
- nominate and brief an alternate if unable to attend a meeting
- undertake work outside of meetings
- be adequately prepared for meetings
- respect others' views and work together to come to a collective agreement
- adhere to the purpose and principles of the Children's Trust (appendix 1 below)

Supporting Structure

The Children's Trust Board will be supported by an executive group. Secretarial support will be provided by the Council of the Isles of Scilly.

Operating Procedures

- The Board will meet quarterly for up to 3 hours.
- The Chair will have the right to invite representatives of other bodies to the Board to discuss particular issues where necessary.
- In accordance with statutory guidance there will be no quorum.
- An agenda and supporting papers will be circulated at least one week before each meeting (both electronically and in hard copy). Members with significant items for discussion must notify the Committee Secretary of the Council of the Isles of Scilly two weeks in advance of the meeting for them to be included on the agenda. Supporting details/evidence must be circulated a week in advance. Reports should not be tabled wherever possible.
- Minutes will be kept to record all decisions made by the Board. These will be made publicly available.
- The terms of reference will be reviewed at least annually.

Conflicts of Interest

Members and any representatives or substitutes with a personal, financial or service interest in a matter being discussed, must declare that interest at the beginning of the meeting or as soon as they become aware of the potential conflict. They will only be able to contribute to the discussion by invitation from the Chair. They will not be entitled to vote on that item.

COMMUNITY SERVICES COMMITTEE

- 3.1 To exercise the powers and duties of the Council as a Housing Authority.
- 3.2 The acquisition, maintenance and administration of all land and buildings that are not the specific responsibility of other Committees.
- 3.3 To exercise the powers and duties of the Council in respect of Adult Social Services and Supporting People.
- 3.4 To exercise the powers and duties of the Council in relation to the Learning and Skills Acts.
- 3.5 To administer Council Tax and Housing Benefits
- 3.6 To work in partnership with the strategic Health Authority and other agencies delivering services for vulnerable adults.
- 3.7 To exercise the powers and duties of the Council as a Library Authority.
- 3.8 To be responsible for the delivery of Community Sport Development and Healthy Living initiatives.
- 3.9 To be responsible for managing all capital assets associated with the delivery of Community Services, including the industrial estate but not the other corporate properties owned by the Council (see Min C18/12)
- 3.10 Responsibility for the management of its budgets and for approving virements between headings within those budgets provided that the Committee's net expenditure is not exceeded.
- 3.11 To set the Committee's Fees and Charges including the fixing of rents for Council Housing, General Fund housing, Social Services, Sports and Leisure, Library Charges and other fees related to learning and ICT.

GENERAL PURPOSES COMMITTEE

To exercise all the Council's powers and duties in the following areas:

- 4.1 Amenities and recreation.
- 4.2 Cemeteries and burial.
- 4.3 Fire.
- 4.4 Public health including:
 - 1 the control and licensing of camping sites;
 - 2 the provision of a dog warden service;
 - 3 public conveniences;
 - 4 the Council's responsibilities as enforcement authority under the Health and Safety at Work Acts.
- 4.5 Highways and traffic including:
 - 1 car parks;
 - 2 street cleaning and gully emptying;
 - 3 street naming and numbering;
 - 4 street lighting.
- 4.6 Refuse collection and disposal.
- 4.7 Water.
- 4.8 Sewerage.
- 4.9 Coast protection and sea defence.
- 4.10 The issue of all licenses including boats and vessels let for hire or used for carrying passengers for hire, and the licensing of boatmen and boat hands but excepting liquor licences and street trading licenses.
- 4.11 The maintenance of the War Memorials.
- 4.12 The acquisition and maintenance of assets, land and buildings used for the specific functions of the Committee.
- 4.13 Responsibility for the management of its budgets and for approving virements between headings within those budgets, provided that the Committee's net expenditure is not exceeded.
- 4.14 To set the Committee's Fees and Charges including the Water and Sewerage Charging System.

HEALTH OVERVIEW AND SCRUTINY COMMITTEE

- 5.1 To ensure that the health and social care needs of the Islands' community are met and that identified proposals achieve improvements in the health and social care economy of the Islands.
- 5.2 To scrutinise whether services provided that impact on Health and Social Care of local inhabitants are accessible to, and can be accessed by all parts of the local community;
- 5.3 To scrutinise whether the outcomes of intervention, are equally good for all groups and sections of the local population;
- 5.4 To track and comment on the developing legislation in Health and Social Care field.
- 5.5 Responsibility for the management of its budgets and for approving virements between headings within those budgets, provided that the committee's, net expenditure is not exceeded.
- 5.6 To set the Committee's Fees and Charges.

HEALTH AND WELLBEING BOARD

(Terms of Reference from Council C21/13)

AIM

13.1 The aim of the Health and Wellbeing Board is to be a strategic partnership that ensures that all health and social care agencies commission and provide services that achieve the best possible health outcomes for the people of the Isles of Scilly.

13.2 The Board is not:

- a talking shop
- a delivery vehicle
- overview and scrutiny

13.3 **MEMBERSHIP**

Council of the Isles of Scilly

Chairman of Council

Vice Chairman of Council

Chairman of Children's Young People

Lead Member for Children

Chairman of Community Services

Vice-Chairman of Community Services

Director of Adults, Children's and Community Services

Director Public Health

Nominated Representative from each of:

- Peninsula Community Health
- Age UK
- Royal Cornwall Hospitals Trust
- Police and Crime Commissioner for Devon and Cornwall

- Cornwall Partnership Foundation Trust
- South West Ambulance Service Trust
- NHS Commissioning Board
- Healthwatch Isles of Scilly
- Kernow Clinical Commissioning Group

Cornwall Council (observer status only)

FUNCTIONS

- 13.4 To co-ordinate the development of the Joint Strategic Needs Assessment (JSNA) to understand the health and wellbeing needs of the people of the Isles of Scilly;
- 13.5 To determine the priorities for, and prepare, the Joint Health and Wellbeing Strategy (JHWBS) for the Isles of Scilly that spans the NHS, social care, public health, and wider health determinants. The strategy will be based on the JSNA and will focus on outcomes;
- 13.6 To promote integration and partnership across the NHS, social care and public health;
- 13.7 To ensure that, regardless of provider, commissioning decisions for health and wellbeing are in line with the JHWBS and take due notice of the JSNA;
- 13.8 To co-ordinate effort to make the public monies invested in health and wellbeing work effectively to delivery the priorities in the JHWBS;
- 13.9 To sign up, on behalf of the respective agencies, for the delivery of the outcomes set out in the Strategy;

WORKING ARRANGEMENTS

- 13.10 The Chairman and Vice-Chairman of the Board shall be Members of the Council of the Isles of Scilly.

13.11 All members of the board will have voting rights.

13.12 All members of the board will be expected to sign up to the Nolan Principles of Public Life and to observe the Council of the Isles of Scilly policy regarding declarations of interest.

13.13 It is proposed that the Health and Wellbeing Board will meet 3 times a year.

13.14 The Board will meet in public, be webcast, and will publish its agendas and minutes.

13.15 The Health and Wellbeing Board will be supported by the Strategic Development Officer.

DELEGATION

13.16 The following are the groups that report to and are accountable to the Health and Wellbeing Board:

- Community Safety Partnership.
- Domestic Violence Group.

13.17 Changes within the Health and Wellbeing structure can take place with the agreement of the Chairman following consultation with the Board.

QUORUM

13.18 At least 60% of the Members of the Shadow Health and Wellbeing Board need to be present.

13.19 The Vice-Chairman will chair the meeting in the absence of the Chairman.

INSHORE FISHERIES CONSERVATION AUTHORITY

- 6.1 The regulation of sea fisheries in the Isles of Scilly Sea Fisheries District including the power of prosecution for breaches of local Sea Fisheries bylaws, relevant European Union regulations and national offences.
- 6.2 The authority to prosecute shall be delegated to the Chief Executive and the Maritime Officer.
- 6.3 The delegation will be renewed on an annual basis.

LICENSING COMMITTEE

- 7.1 To exercise the powers and duties of the Council of the Isles of Scilly under the Licensing Act 2003 and the Gambling Act 2005. (Min C91/06), and the Local Government (Miscellaneous Provisions) Act 1982 (Min C6/13).
- 7.2 Responsibility for the management of its budgets and for approving virements between headings within those budgets, provided that the Committee's net expenditure is not exceeded.

PLANNING AND DEVELOPMENT COMMITTEE

- 8.1 To exercise all the powers and duties of the Council as a Planning Authority.
- 8.2 To advise other Committees of any planning implications of their proposals including the determination of specific local need.
- 8.3 To exercise the powers and duties of the Council as a Building Regulation Authority.
- 8.4 To comment on national and regional structure plans and policies which affect the Islands or their economy.
- 8.5 To consider the economic future of the Isles of Scilly and to seek special economic measures and support where appropriate.
- 8.6 To promote economic development of the Islands in line with the Council's Sustainable Economic Development Strategy.
- 7.7 To maintain a Sustainable Economic Development Strategy focussing on development that is harmonious with the environment and social well being of the Islands, and to act in an enabling role in the forwarding of credible and needed applications.
- 8.8 To monitor external grant sources particularly European Union, UK Government and agency grants.
- 8.9 To encourage partnerships between those within and outside the Islands and in the implementation of appropriate economic development.
- 8.10 To consider the Council's responsibilities under Agenda 21, the United Nations protocol for sustainable development for the 21st century.
- 8.11 Exceptions:

The following decisions are reserved to the Council.

 - the adoption of structure or local plans.
 - the withdrawal of Conservation Area Status.
 - any decision involving possible financial compensation including the acceptance of purchase notices and the discontinuance, modification or revocation of planning permission.
 - any significant planning legislation which potentially affects the environment of the Islands.
 - Strategic transport policies - as recommended directly to the Full Council by the Transport Committee.
- 8.12 To be the responsible body for the Area of Outstanding Natural Beauty service in the Islands.
- 8.13 To set the Committee's Fees and Charges.

POLICY AND RESOURCES COMMITTEE

9.1 General Policy:

- 1 To advise the Council on the formulation of any corporate plan and statement of objectives or priorities and to recommend the steps needed to be taken to achieve such objectives.
- 2 To consider the broad social and economic needs of the Islands.
- 3 To keep a watching brief on all Island services and to make any necessary representations or comments.
- 4 To review the effectiveness of all the Council's services and the standards and levels of services provided.
- 5 To identify the need for new services and to keep under review the effectiveness of existing ones.
- 6 Without prejudice to the functions detailed in 9.2, 9.3 and 9.4 to be responsible overall for the allocation and control of the Council's financial, land and staffing resources.
- 7 To advise the Council on its organisation, structure and management procedures and any changes required to ensure that the Council's objectives are met. To advise the Council on any proposed changes in the distribution of functions and responsibilities.
- 8 The Council's Parliamentary business.
- 9 The registration of Births, Deaths and Marriages.
- 10 The Magistrate, Probation and Coroner services.
- 11 To receive reports from the Council's nominee to the Devon and Cornwall Joint Police Committee and to give advice or make representation to the Joint Committee.
- 12 To advise the Council on the revision of Standing Orders.
- 13 To advise the Council on all electoral matters.
- 14 To advise the Council on all proposals on matters which may affect the status, powers and duties of the Council.

- 15 To deal with all matters relating to civic hospitality.
- 16 To ensure the maintenance of satisfactory relationships with all other authorities and bodies whose work affects the interests of the Council.
- 17 To approve contingency plans for general or specific emergencies.
- 18 To be responsible for Best Value within the Authority.
- 19 To receive and ensure the Council's compliance with Corporate Governance Issues.
- 20 To be responsible for the overview of corporate procurement.

9.2 Finance:

The overall management and control of the Council's finances including:

- 1 To advise the Council generally on its financial policies.
- 2 The preparation and periodic review of Financial Regulations.
- 3 To consider the Capital and Revenue estimates of Committees and to advise the Council accordingly.
- 4 To recommend to the Council the Council Tax.
- 5 To monitor all income and expenditure and to consider requests from Committees for supplementary estimates where no provision exists in the approved estimates and for virement of expenditure.
- 6 Supervision of banking arrangements.
- 7 To advise the Council on its borrowing policy.
- 8 Supervision of the Council's insurance.
- 9 The recovery or write off of debt.
- 10 To deal with all grants to voluntary organisations.
- 11 To be responsible for the consideration of the Corporate Asset Management Plan and to monitor its implementation.
- 12 To be responsible for the consideration of internal and external audit reports and monitor the implementation of their action plans
- 13 To be responsible for the consideration of corporate inspection reports and to monitor the implementation of their action plans.
- 14 To be responsible for managing and reviewing any investments.
- 15 To consider Members' expenses and allowances.
- 16 To be responsible for ensuring appropriate processes for identifying and monitoring risk are in place.

- 17 To set the Fees and Charges for services managed by Policy and Resources; e.g. photocopying, public internet and meeting room hire.

9.3 Land:

- 1 The disposal of any assets, land or buildings owned by the Council (see Financial Regulations for value).
- 2 To review the ownership by the Council of land and other assets and to make appropriate recommendations to the Council.

9.4 Personnel:

Full responsibility for all matters affecting the Council's role as an employer with the exception of in-service teacher training.

9.5 Exceptions:

- 1 Following the numbering in 8.1 and 8.2, decisions on the items set out below are reserved to the Council:
 - 8.1.1 corporate plans
 - 8.1.2 broad social and economic needs of the islands
 - 8.1.4` review of service levels
 - 8.1.5 the need for new services
 - 8.1.6 overall control of land, staffing and resources
 - 8.1.7 changes in organisation and structure
 - 8.1.8 Parliamentary business
 - 8.1.12 revision of Standing Orders
 - 8.1.13 electoral matters
 - 8.1.14 the powers, status and duties of the Council
 - 8.2.1 general financial policies
 - 8.2.3 the Capital and Revenue Estimates
 - 8.2.4 setting the Council Tax
 - 8.2.7 borrowing limits
- 2 The appointment of Chief Officers and Deputy Chief Officers is reserved to the Council (see Standing Order 33.9).

STANDARDS COMMITTEE

- 10.1 Promoting and maintaining high standards of conduct by Councillors and co-opted members.
- 10.2 Assisting Councillors, co-opted members to observe the Members' Code of Conduct.
- 10.3 Advising the Council on the adoption, revision and promotion of the Members' Code of Conduct.
- 10.4 Monitoring the operation of the Members' Code of Conduct.
- 10.5 Advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct.
- 10.6 Considering and determining requests for dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
- 10.7 Dealing with matters referred to it by the Monitoring Officer or an agreed nominee in relation to breaches or perceived breaches of the Code of Conduct.
- 10.8 Dealing with any reports from the Monitoring Officer or an agreed nominee including an annual report on the functioning of the ethical standards regime with a view to the report being forwarded to Council with recommendations from the Committee relating to the regime.
- 10.9 To have an overview of the whistle blowing policy
- 10.10 To conduct periodic reviews of complaints considered by the Local Government Ombudsman including the outcome of any investigations and, where appropriate, to make recommendations regarding the handling of such complaints by the Council
- 10.11 To receive and review the annual report of the Local Government Ombudsman before forwarding the report to Council with the Committee's recommendations.
- 10.12 To determine whether complainants should be declared as persistent or vexatious

complainants in line with Council policy and to periodically review such declarations.

10.13 Compile a list and keep under review the possible conflicts that may arise between Members appointments to outside bodies and Committee appointments.

TRANSPORT COMMITTEE

12.1 To review and recommend to Full Council and/or the Local Planning Authority policies and projects on all strategic aspects of transport (on the islands, between the islands and to the mainland, including onward links by road, rail and air)

12.2 Specifically to review the following strategic documents:

- I. The Isles of Scilly Strategic Transport Framework
- II. The comparative study of the Isles of Scilly and the Scottish Islands
- III. The Penzance and Isles of Scilly Strategic Investment Framework
- IV. Transport policies and proposals within the Local Development Plan
- V. The transport aspects of the Climate Change Strategy
- VI. The Airport Improvement Plan

12.3 To develop clear strategic policies and projects within which other committees can make operational decisions on the provision of specific transport services.

12.4 To approve a service plan for the strategic transport function of the Council and to monitor and review performance.

12.5 To communicate and work in partnership with key stakeholders, including Cornwall Council, the Local Enterprise Partnership and transport operators

12.6 To research transport issues and lobby government departments and the European Union in order to influence legislation and strategic policies and identify opportunities for assistance, especially where inequalities in relation to other island communities can be addressed.

12.7 To oversee the activity of, and receive reports from, the Airport Management Group

