

CHANGE TO TERMS OF REFERENCE TAMAR BRIDGE TORPOINT FERRY JOINT COMMITTEE



Appendix A

1.0 Introduction

- 1.1 Tamar Bridge and Torpoint Ferry crossings are jointly managed by Plymouth City Council and Cornwall Council, in accordance with the requirement of the Tamar Bridge Act 1957.
- 1.2 This is delivered by means of a Joint Committee, comprising five councillors from each Authority that meet four times a year to manage the crossings in accordance with the Tamar Bridge Acts 1957, 1979 and 1988 (The Tamar Bridge Acts).
- 1.3 The current Terms of Reference (ToR) that provide Governance for the Joint Committee have been in place since 2010

2.0 The need to update the ToR

- 2.1 TBTF undertook a Peer Challenge Review by the Government Association in December 2018 and one of the findings was the need to update the ToR so that they better fit the needs of the crossings management and operation.
- 2.2 Additionally duplication of processes in PCC and CC and a lack of clarity have been disadvantageous to decision making and Committee efficacy.

3.0 Proposed changes - Functions and Delegations

- 3.1 **Change i)** To make clear that any in year changes to the Business Plan that are within budget and policy framework can be approved by either the relevant Cabinet Member or Cabinet; and any in year changes to the Business Plan that are outside of budget and policy framework can only be approved by the Council.
- 3.2 **Change ii)** The current ToR make no reference to what functions relevant Cabinet Members can discharge. The revised ToR proposed functions are:
 - 3.2.1 To approve in year variations to the business plan if within budget and policy framework.
 - 3.2.2 Endorse in year variations to the business plan if outside of budget and policy framework for consideration by Cabinet.
 - 3.2.3 Approve the acquisitions and disposals of land for the undertaking
 - 3.2.4 Approve items of revenue and capital expenditure.
 - 3.2.5 Approve suspension of tolls on the recommendation of the Joint Committee.
- 3.3 **Change iii)** The previous ToR made no reference on who can approve the suspension of Tolling (a recent example of needing to do so during the pandemic). The revised ToR expressly sets this out and enable the relevant Cabinet Member or Cabinet to make this decision on the recommendation of the Joint Committee.

- 3.4 **Change iv)** The previous ToR was silent on what functions the Joint Committee cannot discharge, the revised ToR set these out for clarity.
- 3.5 **Change v)** To clarify the authority of the relevant Strategic Director for each Constituent Council in respect functions/ decisions in relation to the undertaking as the previous ToR implied that they only have authority for functions / decisions not assigned to others. The revised ToR make it clear that the Strategic Director has authority for function/decisions which may also be assigned to other decision makers in accordance with each constituent Council's Scheme of Delegation.
- 3.6 **Change vi)** Relates to Membership, whereby the updated ToR seeks to ensure the most appropriate link with the Cabinet to the Parent Authorities. The current ToR requires 5 Members from each Parent Authority whereas the new ToR sets out an expectation that the Membership will include a Relevant Cabinet Member from each Parent Authority.
- 3.7 **Change vii)** Relates to applicable procedures to the business of the Joint Committee with the aim of simplifying the governance processes to make clear these procedures. It is clear under the previous ToR that Cornwall Council's procedure rules should apply but silent on how far this should extend. Historically financial procedure rules for the Joint Committee were adopted but in practice, these have not been applied. Previously both Parent Authorities Financial Regulations and Procedure Rules and Contract Procedure Rules are applied which results in duplication. The new ToR applies Cornwall Council's Constitution where the ToR are silent, to include Financial Regulations and Procedure Rules and Contract Procedure Rules.
- 3.8 **Change viii)** Procedure for dispute. The previous ToR had a dispute provision, however it did not reflect the requirement in the Tamar Bridge Act 1957 for the Joint Committee to recognise a situation where the interests of the Constituent Councils are not the same and to refer it up to their constituent Council's. The new ToR reflect the requirements of the Act and the process is set out more clearly.

4.0 Approval Process

- 4.1 The Joint Committee approved the above changes to the Terms of Reference at their meeting of the 1st October 2021. The Draft Minutes of the Joint Committee meeting can be found at [here](#).
- 4.2 The Democratic process for adoption of the ToR requires that the Audit and Governance Committee recommend proposed changes to Full Council.
- 4.3 It is recognised that issues discussed in paragraph 3.7 will be the subject of further council decisions and will be presented to the appropriate body for approval.