

Ditchingham Parish Council

COMMITTEES TERMS OF REFERENCE

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INTRODUCTION

Purpose of this Document

This document defines the Terms of Reference (ToRs) of the Council's sub committees and working parties and documents the Council's policies. This section, Introduction, is used to define terminology used throughout the remainder of the document.

Definitions

Terms of reference: ToRs are used to set out the parameters within which the authority is delegated to sub committees, standing groups, advisory panels etc and specify how the group is accountable. Good practice requires that ToRs are recorded in writing and made available to all members of the Full Council and relevant sub committees.

Clear ToRs provide assurance to the public that this Council is operating in a transparent manner and within an appropriate Governance framework.

ToRs should be reviewed at least annually.

Policy and Procedures: A policy is a set of principles that form the basis of making rules and guidelines; policies provide overall direction; above all they offer transparency and consistency supporting the decision-making process.

Note that Policies define only principles; whereas Procedures define how, when, [and often who].

Together, policies and procedures ensure that strategies and intentions are translated into steps that result in the required outcomes.

Delegating to sub-committees and working parties: Sub-committees [and working parties] are set up so that a small group of committee members (and sometimes co-opted experts) may focus in detail on a particular issue. This allows the Full Council to ensure that sufficient attention is being paid to the detail of specific issues without one topic dominating the agenda at Council meetings. Sub Committees have delegated powers and can make decisions within the mandate of such delegated powers. Working parties cannot make decisions (they may make recommendations); and either the specific subcommittee to which that working party reports or the Full Council is responsible for the actions of the working party.

Standing Orders: Delegated powers are described in the Council's Standing Orders (SOs). Under the 1972 Local Government Act parish councils have the power to organise their own affairs. If they do this then they must document how they wish to function as a council and this document, known as standing orders covers procedures during meetings, committee structures, financial matters not covered in the council's financial regulations, delegation to council officers and other matters. SOs cannot override matters defined in legislation.

The Clerk: is employed by the Council (under section 112 (1) of the Local Government Act 1972) to provide administrative support for the Council's activities. The Clerk is responsible for directly managing any other staff or contractor engaged by the Council.

The Clerk is the Council's 'Proper Officer' - a term used in statute. It refers to the appropriate officer for the relevant function. In financial matters, the Proper Officer is known as the Responsible Financial Officer.

Sub & Advisory Committees Terms of Reference

Adopted 17/03/2014

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The Clerk's primary responsibility is to advise the Council on whether its decisions are lawful and to recommend ways in which decisions can be implemented and will if required be asked to research topics of concern to the Council and provide unbiased information to help the Council to make appropriate choices.

The Clerk has a wide range of other responsibilities, these are set out in their job description, or where not formally documented, as directed by the Council from time to time. The Clerk must recognise that the Council is responsible for all decisions and that they take instructions from the Council as a body. The Council must be confident that the Clerk is, at all times, independent, objective and professional. The Clerk may not make decisions (save as specifically delegated) on behalf of the Council or vote at meetings.

The Council: is a body corporate created under The Local Government Act of 1894. Local government was further reformed in 1974 following the Local Government Act of 1972 with the result that parish councils had more freedom to operate without consents from central government.

The Council represents and serves the whole community. The Council is responsible for the services it provides. It establishes policies for action and decides how money will be raised and spent on behalf of the community. It is responsible for spending public money lawfully and achieving the best value for money.

Except in certain circumstances (Public Bodies (Admission to Meetings) Act 1960) Council meetings are open to the public. The Council as a body decides whether to work in partnership with other organisations and it often serves (through representatives) on other bodies. An individual Councillor (including the Chairman) cannot make a decision on behalf of the Council so when working in partnership, Councillors must always remember that they represent the Council as a corporate body.

Parish Councillors: are elected by the electors of the Parish (section 16 (2) of the Local Government Act 1972) every four years. DPC has 9 Councillors, including the Chairman in total. A Councillor may also be returned by bye-election, co-option or by return after a successful election petition.

All Councillors are required to complete a declaration of Acceptance of Office and to provide a written undertaking that they accept the Council's Code of Conduct. Under the Localism Act 2011, and the relevant authorities (Disclosable Pecuniary Interests) Regulation 2012, all Councillors are required to register DPI. On the 16th July 2012 DPC resolved to adopt the model code of conduct Minutes No. 168. Councillors DPI are registered with DPC and the monitoring officer of South Norfolk Council.

Individual Councillors work together to serve the community and to help the Council to make decisions on behalf of the local community. Councillors contribute to the work of the Council by suggesting ideas, engaging in constructive debate and by responding to the needs and views of the community representing their constituents. Councillors comment on proposals to ensure the best outcome and vote to enable the Council to make decisions.

Councillors must accept the decisions of the Council as a whole even if they do not agree with them. In such circumstances a Councillor may ask for a vote against a Resolution to be recorded.

Councillors are required to behave in an ethical way and to declare an interest when necessary.

The Chairman (Chair): is elected by the members of the Council at the Annual Council Meeting and serves for twelve months (Section 15 (1) of the Local Government act 1972).

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The Chairman's main role is to run Council meetings. They can suggest the content and design of the agenda, but as legal signatory, the Clerk has the final say.

The Chairman is responsible for ensuring that effective and lawful decisions are taken at meetings of the Council and, assisted by the Clerk, guides activities by managing the meetings of the Council. The Chairman is responsible for involving all Councillors in discussion and ensuring that Councillors keep to the point. The Chairman summarises the debate and facilitates the making of clear Resolutions and is responsible for keeping discussions moving so that the meeting is not too long. The Chairman has a casting vote. Their first vote is a personal vote as a member of the Council. If there is a tied vote, the Chairman can have a second, casting vote.

The Chairman will often be the public face of the Council and will represent the Council at official events. They may be asked to speak on behalf of the Council and, in such circumstances, should only express the agreed views of the Council and not his/her personal views.

The Chairman cannot legally make a decision on behalf of the Council.

The vice Chair will assume the responsibilities and duties of the Chair in their absence.

Ditchingham enjoys a custom (that cannot be bound by any Standing Order as it would be in contravention of legislation) that the Chair will be elected for a second term, and on retiring from their second term, the current vice Chair will be elected Chair.

Sub and Advisory Committees: are used to progress day to day activities. A subcommittee, meetings of which must be held in public, has delegated powers to make decisions on behalf of the full council while advisory committees [also known as working parties] are more limited to running day to day activities and have only limited delegated powers. As such advisory committees do not meet in public. Sub Committees are also known as 'Decision' Committees and Advisory Committees are also known as 'working parties'.

ADVISORY COMMITTEES

The role of Advisory Committees

The role of Advisory Committees (also known as Working Parties) is to progress the Council's Day to day service delivery and to develop strategy.

Advisory Committees are not empowered to make decisions on behalf of the Council save as specifically delegated.

Under the Council's Standing Orders [4] advisory committees are constituted as follows:

- a. The Council may appoint advisory committees and/ or working parties comprised of a number of councillors and non-councillors.
- b. Advisory committees and/ or working parties may consist wholly of persons who are non-councillors.
- c. Advisory committees and/ or working parties are constituted to implement the decisions of full Council as are specifically identified in their Terms of Reference and may only use the resources as delegated by full Council and have no mandate to make decisions on behalf of the Council save as are delegated necessary to act in that capacity.
- d. Advisory committees and/ or working parties must report on activities in the period since the last meeting (or identify that no activities were conducted) to full Council at meetings in order

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that progress against Terms of Reference may be noted and decisions (as far as are permitted under 4 (c) above) may be ratified.

TERMS OF REFERENCE: Advisory Committees

A. Community (ADVISORY) Committee

Aim

The aim of the Community advisory committee is to oversee and advise the Council on all matters relating to

- Liaison with community groups
- Communications
- Upkeep of 'Open Spaces'
- Provision of Local Amenities

Responsible for:

- Ensuring that the Council is kept advised of local issues, initiatives, and ideas by active involvement with community groups and communicating with the broader community Council activities
- Supporting positive Community relations through administrative agencies such as the local Police, the District Council and other groups such as the Good Neighbour scheme
- Communication with the Community and media including the local press, the Parishioner magazine, and maintenance of the Council Web site
- Management and monitoring of work performed by the Council's Grounds Maintenance Contractor(s) and other persons on Open spaces including Cemetery [and for Grass cutting works only in the Church Yard]
- Inspection and good upkeep of equipment in the Play Area and the Village Dip in accordance with recognised health and safety standards and other legislation
- Ensuring that Open Spaces are maintained in good order and kept free of litter, rubbish, or other obstruction
- Performing the Council's responsibility of 'Tree Warden'
- Upkeep of allotments and collection of monies from tenants
- Maintenance of Bus Shelters including their cleanliness and structural soundness
- Provision and general maintenance of Street Litter and Dog Waste Bins; and
- Generally ensuring that other public and community bodies concerned with local amenities perform their services in accordance with the needs of the community.

Members

- The Chairman and Vice Chairman of the Council are ex-officio members and have voting rights.
- Councillors may be co-opted to join during year if authorised by Parish Council.
- Membership of Committees may be changed at any full Council meeting.
- Non-Councillors may be invited to join the Committee. These persons do not have a right to vote or to move or second a motion.

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- Three members or one-third of those entitled to vote, whichever is the greater, shall constitute a quorum for meetings.
- At the first meeting of the Committee following the Annual Parish Council Meeting, members of the Committee shall elect a Chair for the term. In the event that the Chair retires mid-term they shall again elect a Chair from within their numbers.

Meetings

- Are to be held in such locations that are legal and practical for members to attend and that result in minimal financial burden on the Council.
- Will be called as necessary in order to conduct current business as determined in the Terms of Reference and as instructed by the Council.
- As an Advisory Committee public notice of meetings or public admission to meetings is not required.
- As an Advisory Committee full minutes of meetings are not required; the Chair of the Advisory Committee is however required to keep a record of activities undertaken such that an accurate report may be provided at the next meeting of the full Council.

Decisions and Delegated Powers

- Advisory committees and/ or working parties are constituted to implement the decisions of full Council as are specifically identified in their Terms of Reference, may only use the resources as delegated by full Council, and have no mandate to make decisions on behalf of the Council save as are delegated necessary to act in that capacity.
- Specifically, this advisory committee has the delegated authority to:
 - Deal with day to day matters of a financial or other nature that may affect the Parish of Ditchingham in so far as this is consistent with implementing the Council's maintenance and environment objectives provided that any activities so commissioned are compliant with the Council's Standing Orders.
 - Advise Council on matters that impact or that may be considered likely to impact Council's policy on use of open spaces and other amenities under its control
 - Formulate and recommend budget requirements to the Council necessary to inform the setting of the new precept with regard to ensuring that the Council's maintenance and environment objectives are met.

Reporting to Council

- The Chair of the Advisory Committees must keep a record of all activities undertaken in the period since the last full Council meeting (or identify that no activities were conducted) and report to full Council in respect of those activities at meetings in order that progress against Terms of Reference may be noted and decisions (as are permitted under Council Standing Orders 4) may be ratified.

B. Planning and Highways (ADVISORY) Committee

Aim

The aim of the Planning & Highways advisory committee is to oversee and advise the Council on all matters relating to:

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- Planning issues
- Highways upkeep

Responsible for:

- Advising the Planning and Highways Committee (or Full Council as appropriate) with regard to the circumstances of specific applications with regard to planning regulation
- Advising the Council on planning strategy in the context of the Local Development Framework and other consultations
- Advising the Council on Minerals and Waste planning consultation and development
- Ensuring that highway, foot path and street lighting is kept maintained to adopted standards and policy
- Encouraging considerate use of highways and footpaths

Members

- The Chairman and Vice Chairman of the Council are ex-officio members and have voting rights.
- Membership of Committees may be changed at any full Council meeting.
- Councillors may be co-opted to join during year if authorised by Parish Council.
- Non-Councillors may be invited to join the Committee. These persons do not have a right to vote or to move or second a motion.
- Three members or one-third of those entitled to vote, whichever is the greater, shall constitute a quorum for meetings.
- At the first meeting of the Committee following the Annual Parish Council Meeting, members of the Committee shall elect a Chair for the term. In the event that the Chair retires mid-term they shall again elect a Chair from within their numbers.

Meetings

- Are to be held in such locations that are legal and practical for members to attend and that result in minimal financial burden on the Council.
- Will be called as necessary in order to conduct current business as determined in the Terms of Reference and as instructed by the Council.
- As an Advisory Committee public notice of meetings or public admission to meetings is not required.
- As an Advisory Committee full minutes of meetings are not required; the Chair of the Advisory Committee is however required to keep a record of activities undertaken such that an accurate report may be provided at the next meeting of the full Council.

Decisions and Delegated Powers

- Advisory committees and/ or working parties are constituted to implement the decisions of full Council as are specifically identified in their Terms of Reference, may only use the resources as delegated by full Council, and have no mandate to make decisions on behalf of the Council save as are delegated necessary to act in that capacity.
- Specifically, this advisory committee has the delegated authority to:

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- Deal with day to day matters of a financial or other nature that may affect the Parish of Ditchingham in so far as this is consistent with implementing the Council's planning and highways objectives and provided that any activities so commissioned are compliant with the Council's Standing Orders.
- Advise Council on matters that impact or that may be considered likely to impact Council's policy on planning issues and highways, footpaths, and street lighting maintenance
- Formulate and recommend budget requirements to the Council necessary to inform the setting of the new precept with regard to ensuring that the Council's planning and highways objectives are met.

Reporting to Council

- The Chair of the Advisory Committees must keep a record of all activities undertaken in the period since the last full Council meeting (or identify that no activities were conducted) and report to full Council in respect of those activities in order that progress against Terms of Reference may be noted and decisions (as are permitted under Council Standing Orders 4) may be ratified.

C. Finances and Resources (ADVISORY) Committee

Aim

The aim of the Finances and Resources advisory committee is to oversee and advise the Council on all matters relating to:

- Financial and other risk management
- HR matters
- Policy issues

Responsible for review, proposing action, or recommendation concerning:

- Annual budgets and monitoring of financial records
- Preparation for the setting of the annual precept
- Annual review of Councils Standing Orders and Financial Regulations
- Audit and Governance, and the report of the auditor
- Administrative arrangements of the Council
- Employee matters including remuneration
- Council Policies not expressly delegated to any other committee of the Council
- Ensuring that all Council policies are maintained compliant with current regulations and kept reviewed in context of local needs

Members

- The vice Chairman of the Council is an ex-officio member and has voting rights.
- Membership of the Committee shall comprise the Chairman of the Council and the Chairs of the Community (Advisory) Committee and the Planning and Highways (ADVISORY) Committee, and one other Councillor elected by the Full Council.
- Membership of Committees may be changed at any full Council meeting.
- Councillors may be co-opted to join during year if authorised by Parish Council.

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- Non-Councillors may be invited to join the Committee. These persons do not have a right to vote or to move or second a motion.
- Three members or one-third of those entitled to vote, whichever is the greater, shall constitute a quorum for meetings.

Meetings

- Are to be held in such locations that are legal and practical for members to attend and that result in minimal financial burden on the Council.
- Will be called as necessary in order to conduct current business as determined in the Terms of Reference and as instructed by the Council.
- As an Advisory Committee public notice of meetings or public admission to meetings is not required.
- As an Advisory Committee full minutes of meetings are not required; the Chair of the Advisory Committee is however required to keep a record of activities undertaken such that an accurate report may be provided at the next meeting of the full Council.

Decisions and Delegated Powers

- Advisory committees and/ or working parties are constituted to implement the decisions of full Council as are specifically identified in their Terms of Reference, may only use the resources as delegated by full Council, and have no mandate to make decisions on behalf of the Council save as are delegated necessary to act in that capacity
- Specifically, this advisory committee has the delegated authority to:
 - Prepare the annual budget based on the considered advice of the Chairs of the [other] working parties in the context of identifying the required precept; and to recommend an agreed budget after the precept is agreed.
 - Prepare and report to the Council a quarterly budget update status position including a review of full year forecast and agreed interventions where any budget is under strain.
 - Review the Council's compliance with statutory provisions concerning its obligations with regard to Code of Conduct; Standing Orders; Financial Regulations and Freedom of Information
 - Undertake such reviews as are necessary to ensure proper upkeep of the Council's financial and other records, its systems and process, and administrative arrangements and generally to make such measure as to ensure good governance, including receiving the report of the Auditor
 - Manage on behalf of the Council all employee matters
 - Manage on behalf of the Council the Council's risk management strategy and adequacy of its insurances
 - Ensure that the Council maintains current and appropriate policies as are required by legislation and good practice including, but not limited to: Complaints, Health and Safety, Grants made and received, Press, Media and Public Relations, Public Participation, Human Resources and employee matters, Disability Discrimination, Equal Opportunities, Child Protection. All such policies being maintained to specifically recognise local context.

Reporting to Council

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- The Chair of the Advisory Committees must keep a record of all activities undertaken in the period since the last full Council meeting (or identify that no activities were conducted) and report to full Council in respect of those activities in order that progress against Terms of Reference may be noted and decisions (as are permitted under Council Standing Orders 4) may be ratified.

DECISION (Sub) COMMITTEES

The role of Decision Committees

The role of [sub] Committees (also known as Decision Committees) is to adopt the recommendations of any reporting advisory committees on behalf of the full Council subject to the Terms of Reference of both the Advisory and Sub Committee.

Under the Council's Standing Orders [4] [sub] committees are constituted as follows:

a [4] The Council may, at its annual meeting, appoint standing [sub] committees and may at any other time appoint such other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. may permit committees to determine the dates of their meetings;
- iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
- iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 5 days before the meeting that they are unable to attend;
- v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 4(d)(v) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
- vi. may in accordance with standing orders, dissolve a committee at any time.

a [4] Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

TERMS OF REFERENCE: Decision Committee

D. Finance and Resources (DECISION) Committee

Aim

The Finance and Resources decision committee is constituted to ensure that the Council conducts its activities in a proper manner recognising all aspects of good governance and practice. Its ToR require that it considers (i) the advice of the Finance and Resources Advisory Committee; and (ii) that it refers upward to Full Council for decision on significant, substantial, contentious, or strategic issues.

Save as qualified above it will:

- Determine the Council's response with regard to financial and budgetary matters

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- Act on behalf of the Council with regard to all HR issues
- Recommend to Council administrative policies for adoption

Members

- The vice Chairman of the Council is an ex-officio member and has voting rights.
- Membership of the Committee shall comprise the Chairman of the Council and the Chairs of the Community (Advisory) Committee and the Planning and Highways (Advisory) Committee, and one other Councillor elected by the Full Council.
- Councillors may be co-opted to join during year if authorised by Parish Council.
- Three members or one-third of those entitled to vote, whichever is the greater, shall constitute a quorum for meetings.
- The Chairman of the Council shall Chair the Committee.

Meetings

- Are to be held in such locations that are legal and practical for members to attend and that result in minimal financial burden on the Council.
- Meetings will be called as necessary in order to conduct current business as determined in the Terms of Reference and as instructed by the Council.
- As a Committee of the full Council public notice of meetings & public admission to meetings is required (as noted in the Standing Orders).
- As a Committee of the full Council full minutes of meeting are to be maintained; these minutes to be adopted at and included as a minute of the next meeting of the full Council (as noted in the Standing Orders).

Decisions and Delegated Powers

- Committees are constituted to implement the decisions of full Council as are specifically identified in their Terms of Reference, may only use the resources as delegated by full Council, and have no mandate to make decisions on behalf of the Council save as are delegated necessary to act in that capacity.
- The Finance and Resources Committee is constituted to consider and respond on behalf of the Council to all matters relating to: financial and risk management, HR matters, policy matters. Specifically, it will:
- Consider the advice of the Finance and Resources Advisory Committee
- Refer upward to full Council for decision on significant, substantial, contentious, or strategic issues
- Ensure that activities undertaken by the Finance and Resources Advisory Committee comply fully with that committee's Terms of Reference.

Reporting to Council

- The Chair of the Committee will present the minutes of meetings to full Council in order that these may be adopted at and included as a minute of the next meeting of the full Council (as noted in the Standing Orders).

Complaints

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- The Committee will acknowledge and progress any complaint in accordance with the Council's Complaints policy.