

# **Newent Town Council & Burial Authority**

## **COMMITTEE**

### **Terms of Reference.**

**05.05.22 (Updated 28.09.22: 27.02.23)**

## **SCHEME OF DELEGATION AND TERMS OF REFERENCE**

### **1. INTRODUCTION**

- 1.1 Section 101 of the Local Government Act 1972 allows local Councils to appoint one or more Committees or Sub-Committees to discharge any of its function.

It is not necessary for the Council to ratify Committee decisions where delegation applies.

The membership and terms of office of Committees and Standing Sub-Committees is fixed by the Council.

In constituting such Sub-Committees or Committee as appropriate shall have full regard to the implications on the Officer and Member workload of such creation.

- 1.2 The scheme outlined below may be amended at any time by the Council with or without any recommendation from a Committee, Sub-Committee, or other body.

### **2. DEFINITIONS**

- 2.1 In this scheme, the following words and phrases shall be given the meanings outlined below:

“Council” refers to Newent Town Council and Burial Authority

“Council matters” means those items specifically included in the approved Terms of Reference as falling within the specific purview of Council.

“Committee” means one of the following Committees:

- Planning & Environment Committee
- Finance and Staffing Committee
- Regeneration Committee

### **3. GENERAL**

- 3.1 Compliance with the law: The Council Committees and Sub-Committees can only act within the law and in accordance with the Council’s approved Standing Orders and Financial regulations.
- 3.2 Budgets: Committees can only exercise delegated powers if there is budgetary provision for any proposed expenditure.

If no budgetary provision is available, delegated powers may only be exercised subject to obtaining approval for a supplementary estimate, and this must be done through referring the matter to the Full Council.

- 3.3 Committee Conflict: there may be occasions, particularly when there is conflict between Committees regarding which one has powers to deal with a particular matter.

In such cases, the matter shall be referred to the Full Council. The Full Council shall then determine the matter.

- 3.4 Committee Overlap: Where a Committee is considering a matter involving Committee overlap, it may only resolve such matters subject to the agreement of all the other relevant Committees.

Where any Committee disagrees with another in these circumstances the matter shall be referred to Full Council. The Full Council shall then determine the matter.

- 3.5 Council Matters: Committees that do not have delegated powers shall report or make recommendations to Full Council.

- 3.6 Concurrent powers: The Council may at any time exercise any of the duties and powers within the scheme which are delegated to the Council's Committees or Sub-Committees. A Committee may at any time exercise any of the duties and powers of its Sub-Committees.

- 3.7 Committee membership: The Councillor who is Mayor can vote on any Committee they are a member of but will only have one vote as Councillor and not that of Mayor, apart from the Full Council meeting.

The Mayor or Deputy may not be Chair of any Standing Committee.

The Committee's can elect the Chair and Vice Chair, or it can be undertaken at any of the Full Council meetings.

A member may not be Chair of more than one Standing Committee.

- 3.8 The Council will attempt to retain a balance in terms of the overall allocation of Committee places and the allocation to individual Committees.

- 3.9 Best Practice decision-making:

In making any decisions or recommendations each Committee should consider the implications in relation to:

- Climate Emergency
- Best Practice
- The impact on the Town, its residents, visitors, and business owners.

- 3.10 The Town Council aims to publish all draft Committee minutes within 2 weeks of the meeting date with the exception of the Annual General Meeting which it aims to be published within one month.

- 3.11 All correspondence shall be conducted through the Town Clerk, or appropriate Officer.

- 3.12 Minutes of all meetings are to be kept by the Clerk and forwarded by e-mail or mail

to members of the Town Council.

- 3.13 The Committee will meet as the workload requires, with a minimum of 3 days clear notice given.
- 3.14 Any recommendations by a Committee, without delegated powers, will be resolved by the Full Council at the next available meeting following the recommendations.

#### **4. RESERVATIONS WITH REGARD TO TERMS OF REFERENCE**

- 4.1 The terms of reference of all Committees are subject to the following reservations:
- 4.2 That powers be exercised in accordance with any policy adopted, or directions given, by the Council.
- 4.3 That any proposal which involves any major changes to the existing policies approved by Council, shall be submitted to the Full Council for approval.
- 4.4 Urgent/Emergency matters that are discussed by Committees may be dealt with by the convening of an Extraordinary Meeting, although if the decision needs to be made in less than 3 clear days, the decision shall be made by the Clerk in consultation with the Chair of the Committee, or in their absence the Vice-Chair and the Mayor, and in the Mayor's absence the Deputy Mayor, and reported to the next Committee or Full Council meeting, whichever comes first.
- 4.5 Committees will bring to the attention of Council any matters being pursued by other local authority/statutory/voluntary or other bodies which may have a beneficial or detrimental effect on Newent or persons, unless of a confidential nature.
- 4.6 Planning & Environment Committee will commence at 7.00pm, to be held twice monthly or as required.  
Full Council will be held monthly and will commence following the Planning & Environment Committee, or as required.  
Regeneration Committee, and Staffing & Finance Committee be held at least twice yearly and will commence following the Planning & Environment Committee, or as required.
- 4.7 All meetings will include a Public Open Session when there will be 10 minutes to allow members of the public to be able to speak.

#### **5. Delegation of Authority to Sub-Committees.**

- 5.1 Where a function within the terms of reference of a Committee has been further delegated to a sub-Committee that sub-Committee will report their findings/recommendations back to the appropriate Committee or direct to Council as per their remit, usually through minutes.
- 5.2 The Committee has the remit to organise a Subcommittee (Working Group/Task & Finish Group), comprising of relevant community representatives to identify and progress a topic.
- 5.3 Councillors will have voting rights in relation to the Committee structure once voted onto the Committee for a fixed term period.
- 5.4 From time-to-time the Council may co-opt members to attend Committees.

Co-opted members will not have any voting rights.

- 5.5 Co-opted members may attend for a fixed term, as agreed with the Chairman of the meeting and Town Clerk, subject to continual review.

## **6. INTRODUCTION TO THE COUNCIL'S TERMS OF REFERENCE**

- 6.1 Council is responsible for delivering services.
- 6.2 These Terms of Reference have been developed to ensure that all the Council's services are being supported, monitoring and delivering as per the Strategic Plan of the Council.

## **7. COMMITTEE TERMS OF REFERENCE**

- 7.1 Note on delegated powers – Committees can resolve all matters within their terms of reference except Full Council matters.
- 7.2 All Council's Committees are open to the public and press and encourage views and representations from residents and businesses.

## **8. POWERS AND DUTIES OF STANDING COMMITTEES**

- 8.1 Subject to the foregoing, and to observance of decisions of the Council on matters of principle or policy, all the Council's powers and duties shall be delegated to the Standing Committees in accordance with the following terms of reference unless otherwise specified.
- 8.2.1 The acts and proceedings of a Committee shall:
- 8.2.2 Where they are delegated to the Committee, so far as is legally permissible be deemed the acts and proceedings of the Council.
- 8.2.3 As regards other matters, be subject to confirmation by the Council, and when confirmed shall be deemed the acts and proceedings of the Council.
- 8.2.4 In all respects be subject to the provisions of the Council's Standing Orders and Financial Regulations except as otherwise determined by the Council.
- 8.2.5 The Council may at any time without prejudice to executive action already taken revoke any executive power delegated to a Committee.
- 8.2.6 Minutes of the meeting will be verified at the next relevant committee or future Full Council Meeting.
- 8.2.7 If a Committee decision is needed and a Committee is not scheduled the matter can be considered at the next Full Council Meeting for a decision.
- 8.2.8 Committee Agenda items can be considered and decided up on by Full Council, in the absence of the Committee meeting being scheduled to enable appropriate decisions to be taken.

8.2.9 As per the Financial Regulations expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the council for all items over £2,000
- a duly delegated committee of the council for items below £1,500, provided it is within the allocated budget ;
- the Clerk for items below £1,000
- the Clerk, in conjunction with the Mayor or in his/her absence the Deputy Mayor, for items between £1,000 and £2,000

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Clerk, and where necessary also by the appropriate Chairman.

8.2.10 No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council, or duly delegated committee.

### 8.2.11 **MEETING ATTENDANCE**

#### A. QUORUM

A meeting shall comprise of 5 members on each Committee with quorate being 3 councillors. All apologies for absences shall be recorded.

Except the Regeneration Committee Terms of Reference to be no fewer than seven members, with a quorum of four members, the meeting Chairperson to have a casting vote, if necessary, to allow business to proceed unhindered.

Planning & Environment Committee Terms of Reference to be seven members with a quorum of three members.

#### B. MEETINGS

Meetings will be held at least twice a year.

#### C. ATTENDANCE

Through the Clerk, the Committee may invite such other persons to attend its meetings as it deems necessary.

#### D. CLERKING

The Town Clerk or appropriately nominated Officer shall be the Clerk to the Committee and responsible for the preparation of Committee meeting agenda and minutes.

#### E. MINUTES

The proceedings of all meetings shall be minuted. Minutes shall be circulated to all Councillors.

## COMMITTEES

### **9.0 PLANNING and ENVIRONMENT COMMITTEE** **Delegated Powers & Budget included**

- 9.1 The making of representations to the Local Planning Authority on applications for planning permission which has been notified in accordance with relevant legislation and in emergencies.
- 9.2 The making of representations in respect of appeals against the granting/permission or refusal of planning permission.
- 9.3 The making of representations to consultations that affect the town from other organisations and authorities as appropriate.
- 9.4 To undertake street naming under powers delegated by Gloucestershire County Council or the Forest of Dean District Council, and to make representations regarding house naming and street numbering.
- 9.5 To consider and monitor strategic, County, and other developmental plans, proposed listed buildings, conservation areas, tree preservation orders and building preservation orders which impact upon Newent, and the making of all appropriate representations.
- 9.6 To contribute towards the development and implementation of the Council's Policies, strategies, and business plans.
- 9.7 To oversee implementation of actions agreed by the Council to address the climate emergency in accordance with the approved Climate Framework.  
This includes advising on waste and environmental damage and the reduction of plastic use.
- 9.8 To consider and comment on all environmental matters and work in partnership with other Councils, agencies, and groups to secure improvements in the physical environment.
- 9.9 To consider all matters relating to Community Safety and contribute towards initiatives which reduce crime and antisocial behaviour.
- 9.10 To liaise with Gloucestershire Police, Fire Service, and other statutory and voluntary services in relation to emergencies, as guided by Newent Town Council's Emergency Plan.
- 9.11 To develop ways of increasing public participation in Council decision making.
- 9.12 To have an overview of the Newent Neighbourhood Development Plan (NNDP).
- 9.13 To consider and comment on all Highways matters and contribute towards improving the local transport infrastructure.

### **10. Regeneration Committee** **Delegated powers & budget included**

- 10.1 To make recommendations to the Full Council regarding requirements relating to undertaking the Committee's work.

- 10.2 Dealing with all matters Allotments; Cemetery Lodge, Cemetery, Market House, opens Spaces, Arboretum, Newent Lake and Office Accommodation Chapel Mortuary, Library Car Park, this list is not exclusive.
- 10.3 The Committee is responsible for any hiring or letting policies for open space and accompanying buildings in accordance with Financial Regulations.
- 10.4 To liaise, when required, with those parties with an interest in the recreation areas, play areas, the town's open spaces, amenity land and children's play areas.
- 10.5 To liaise with the Trustees of the Recreation Ground to enable local provision to be supported, maintained, and developed, accordingly.
- 10.6 Make recommendations on new facilities, sale of assets, or loan agreements to the Full Council.
- 10.7 Committee will monitor annual risk assessments for open space use and the accompanying buildings in line with the insurance requirements.

10. The Chairman of the Committee, together with the Chairman of the Council, shall have the delegated power to cancel any event held on Council Open Space/land due to inclement weather, ground conditions, health and safety or concerns identified and raised by Officers within Newent Town Council.

- 10.0 To make recommendations to the Full Council regarding requirements relating to undertaking the Committee's work.
- 10.10 To initiate and approve tenders for all aspects within the remit of its role in accordance with Financial Regulations.
- 10.11 Supporting local businesses to participate in local events, including Markets and Fairs, the Onion Fayre, Christmas Lights, summer activity event, Newent Lake Events and Town Centre based events, Tourist Information Centre. This list is not exclusive.
- 10.12 Promotion of local events in Newent.
- 10.13 To co-ordinate the Council's community events programme and consider the provision of community events of the widest possible appeal and accessibility, organised by the Council or in partnership with other organisations, and to establish an annual programme of such events.
- 10.14 To make recommendations to the Full Council on ways of increasing public participation in local events.
- 10.15 Determine and develop ways of increasing public participation in Council decision making.

**11. FINANCE & STAFFING COMMITTEE**  
**Delegated powers & budget included**

- 11.1 The making of recommendations in respect of financial matters to Full Council.
- 11.2 Dealing with all matters relating to the general financial administration of the Council.
- 11.3 Dealing with all matters pertaining to the performance, terms and conditions of service, and superannuation of the Council's staff.
- 11.4 Dealing with all aspects of the Council's Corporate Governance including External and Internal Audit, and Grants. This list is not exclusive.
- 11.5 To monitor policies in respect of Financial and Staffing and provide recommendations and monitoring information to Full Council in relation to the budget.
- 11.6 To receive Auditors' reports and to make recommendations regarding any matters arising from such reports.
- 11.7 To consider financial grants to organisations.
- 11.8 To monitor and review the training needs of members and staff to ensure they are met.
- 11.9 To monitor to ensure that the Council provides a safe working environment with regard to health and safety and other statutory obligations.
- 11.10 Consider all matters relating to the probationary periods of all new employees, in discussion with the Clerk.
- 11.11 Carry out any initial personnel investigations and request relevant supporting documents and evidence when appropriate.
- 11.12 Appointment of employees in accordance with agreed establishment including the appointment of the Clerk and the Responsible Finance Officer.
- 11.13 Power to terminate the employment of employees of the Council on disciplinary grounds subject to the terms and conditions of service of the employee including the Code of Conduct and Disciplinary Rules and Procedure applicable.
- 11.14 To recommend a budget and proposed Precept to Full Council annually.
- 11.15 To be bank signatories to the Town Council Banking system.



**NEWENT TOWN COUNCIL & BURIAL AUTHORITY COMMITTEE MEETING DATES**

**From May 2022 – May 2023**

**Room G4 Newent Community School, Watery Lane, Newent**

**Planning & Environment – Starts 7.00pm**

**Full Council Meetings: Finance & Staffing Committee: Communities Committee: Regeneration Committee (Starts 7.30pm or soonest after Planning & Environment Committee)**

<b>PLANNING &amp; ENVIRONMENT COMMITTEE</b>		<b>REGENERATION COMMITTEE</b>	<b>FINANCE &amp; STAFFING COMMITTEE</b>	<b>FULL COUNCIL</b>
<b>JANUARY</b> 9 <sup>TH</sup> & 23 <sup>RD</sup>	<b>JANUARY</b> 9 <sup>th</sup>	<b>JANUARY</b> -	<b>JANUARY</b> -	<b>JANUARY</b> 23 <sup>rd</sup>
<b>FEBRUARY</b> 13 <sup>th</sup> & 27 <sup>th</sup>	<b>FEBRUARY</b> -	<b>FEBRUARY</b> 13 <sup>th</sup>	<b>FEBRUARY</b> -	<b>FEBRUARY</b> 27 <sup>th</sup>
<b>MARCH</b> 13 <sup>th</sup> & 27 <sup>th</sup>	<b>MARCH</b> -	<b>MARCH</b> -	<b>MARCH</b> 13 <sup>th</sup>	<b>MARCH</b> 27 <sup>th</sup>
<b>APRIL</b> 24 <sup>th</sup>	<b>APRIL</b> -	<b>APRIL</b> -	<b>APRIL</b> -	<b>APRIL</b> 24 <sup>th</sup>
<b>MAY</b> 8 <sup>th</sup> & 22 <sup>nd</sup>	<b>MAY</b> -	<b>MAY</b> 8 <sup>th</sup>	<b>MAY</b> -	<b>MAY</b> 22 <sup>nd</sup>
<b>PLANNING &amp; ENVIRONMENT COMMITTEE</b>	<b>COMMUNITIES COMMITTEE</b>	<b>REGENERATION COMMITTEE</b>	<b>FINANCE &amp; STAFFING COMMITTEE</b>	<b>FULL COUNCIL</b>