



DOWNTON PARISH COUNCIL

TERMS OF REFERENCE FOR COMMITTEES AND WORKING GROUPS

These Terms of Reference set out the executive functions of the Council's various Committees and Working Groups and were approved and adopted by a Meeting of the Council held on 08 April 2024.

Signed: Melanie Camilleri
(Proper Officer and Responsible Financial Officer)

Signed: Cllr Jane Brentor (Chair)

Date: 08 April 2024

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DELEGATION OF POWERS TO COMMITTEES AND WORKING GROUPS

The legal basis of the delegation conferred by this document is contained in the provisions of Section 102 of the Local Government Act 1972.

The following pages set out the manner in which Downton Parish Council (the Council) has delegated its powers. Understanding of this is essential for anyone who wishes to know who is legally able to give a decision on any matter.

This document is one of the three major ways in which the Council regulates its affairs; the others are its Standing Orders and Financial Regulations.

The basic principle used has been to delegate to the various Committees and Working Groups powers to act within their Terms of Reference. This means that on all matters not reserved for consideration by full Council, the various Committees and Working Groups can RESOLVE and act.

Certain matters, such as issuing a precept, borrowing money, and deciding major policy can not be delegated and are reserved for full Council. On such matters, the various Committees and Working Groups can only RECOMMEND a course of action.

AMENITIES COMMITTEE

Purpose

To oversee the ongoing provision, maintenance, and future development of all assets (whether owned, leased, or managed by the Parish Council) for the benefit of the Parish.

Assets include:-

- Buildings:
 - Memorial Hall
 - Public Toilets
 - BWSCA site
- Barford Lane Cemetery
- Open spaces for sporting, cultural, and recreational activities:
 - Play Parks (Memorial Gardens, Moot Lane, Charlton All Saints)
 - Village Greens
 - Allotments

Committee Members

- Committee Members will be appointed every year at the Annual Parish Council Meeting and will be made up of a minimum of four Councillors plus the Council's Chair and Vice-Chair (as ex-officio) with voting rights¹
- All Committee Members are required to comply with the Council's adopted Code of Conduct, Standing Orders, and Financial Regulations.
- Disqualification for membership is the same as that for the Council²
- The Clerk will be the main point of contact for all Committee business.
- The Committee will meet at least quarterly

Election of Chair and Vice-chair

- The Committee's Chair and Vice-Chair must be councillors and will be elected annually.
- Election will be the first order of business at the Committee's first meeting held immediately after the Annual Parish Council Meeting.

Delegated Powers

- Work with the Memorial Centre Trustees and represent the Council's interests in the management and use of the Memorial Centre
- Manage the cleaning and maintenance contract for the Public Toilets.
- Manage and ensure compliance with health and safety legislation and impact on the Council's insurance liability

Regulating Meetings

Shall operate in accordance with the Standing Orders adopted by the Council on 08 April 2024.

¹ NALC Legal Topic Note 1 (parag 10) October 2013

² S104 Local Government Act 1972

COMMUNICATIONS WORKING GROUP

Purpose

To effectively communicate with members of the parish using a range of communication channels to reach its target demographic.

NB: -

- Working Groups do not have the power to make decisions or spend money, instead they work in a purely task-based or advisory role, as called-upon by the Council from time to time.
- Meetings are relatively informal and do not need to be held in public. But a record of the meeting content and actions will be recorded and shared with full council.

Working Group Members

- Working Group Members will be appointed every year at the Annual Parish Council Meeting and periodically thereafter
- The Clerk/RFO, Administrative Officer, and members of the parish may also join the Working Group to offer specialist knowledge, local knowledge, enthusiasm, and expertise.

COMPLAINTS COMMITTEE

Purpose

To consider formal written complaints in accordance with the Council's Complaints Policy.

NB:-

- the Committee does not consider complaints about a Member's conduct – such complaints must be sent to Wiltshire Council's Monitoring Officer.
- the Committee does not consider complaints against an employee of the Council – such complaints are matters of employment and handled by the Staffing Committee at a meeting held in the absence of the press or public.

Committee Members

- Committee Members will be appointed every year at the Annual Parish Council Meeting and will be made up of a minimum of three Councillors plus the Council's Chair and Vice-Chair (as ex-officio) with voting rights³
- All Committee Members are required to comply with the Council's adopted Code of Conduct, Standing Orders, and Financial Regulations.
- Disqualification for membership is the same as that for the Council⁴
- The Clerk will be the main point of contact for all Committee business.

Election of Chair and Vice-chair

- Committee's Chair and Vice-Chair must be councillors and will be elected annually.
- Election will be the first order of business at the Committee's first meeting held immediately after the Annual Parish Council Meeting.

Delegated powers

- To consider and respond to formal written complaints in accordance with the Council's Complaints Policy and report back to full Council, after consultation with the Proper Officer.
- To keep a record of all formal written complaints received and responses given (with supporting reasons).

Regulating Meetings

- Shall operate in accordance with the Standing Orders adopted by the Council on 08 April 2024.

³ NALC Legal Topic Note 1 (parag 10) October 2013

⁴ S104 Local Government Act 1972

HOUSING DEVELOPMENT COMMITTEE

Purpose

To consider all aspects of new housing developments within the parish (to be read in conjunction with the Council's 'Protocol For Meeting With Developers').

Committee Members

- Committee Members will be appointed every year at the Annual Parish Council Meeting and will be made up of a minimum of three Councillors plus the Council's Chair and Vice-Chair (as ex-officio) with voting rights⁵
- Up to five non-councillors⁶ with no voting rights to offer specialist knowledge, expertise, and enthusiasm.
- All Committee Members are required to comply with the Council's adopted Code of Conduct, Standing Orders, and Financial Regulations.
- Disqualification for membership is the same as that for the Council⁷
- The Committee's Chair will be the main point of contact for all Committee business.

Election of Chair and Vice-chair

- The Committee's Chair and Vice-Chair must be councillors and will be elected annually.
- Election will be the first order of business at the Committee's first meeting held immediately after the Annual Parish Council Meeting.

Delegated Powers

- To make recommendations on all matters relating to new housing developments to be built within the parish.
- To work in partnership with the developer, Wiltshire Council, other key parties, and the Parish Council to deliver the design, affordable housing, facilities, and infrastructure needed to provide a development which preserves and enhances the character of the parish.
- To make recommendations on a detailed response to any planning application for a new development.
- To identify and agree the key priorities for the parish as a response to new housing developments.
- To engage with the developer, Wiltshire Council, and other key parties at an early stage to ensure that an appropriate community contribution is secured.
- To engage with the developer, Wiltshire Council, and other key parties at an early stage to ensure the delivery of the agreed key priorities.
- To make recommendations as to any professional and/or legal advice deemed necessary by the Committee to ensure that maximum benefit can be realised from any development.
- To review, secure evidence, and advise on any changes required to the Downton Neighbourhood Plan, Wiltshire Core Strategy, and Development Plan.
- The Committee is authorised to establish Working Groups as and when necessary to assist in its work.

⁵ NALC Legal Topic Note 1 (parag 10) October 2013

⁶ S102(3) of the Local Government Act 1972

⁷ S104 Local Government Act 1972

Regulating Meetings

- Shall operate in accordance with the Standing Orders adopted by the Council on 08 April 2024.

STAFFING COMMITTEE

Purpose

To make decisions on all staffing matters subject to budget and expenditure limits decided by the Council.

Committee Members

- Committee Members will be appointed every year at the Annual Parish Council Meeting and will be made up of a minimum of three Councillors plus the Council's Chair and Vice-Chair (as ex-officio) with voting rights⁸
- All Committee Members are required to comply with the Council's adopted Code of Conduct, Standing Orders, and Financial Regulations.
- Disqualification for membership is the same as that for the Council⁹
- The Committee's Chair will be the main point of contact for all Committee business.

Election of Chair and Vice-chair

- The Committee's Chair and Vice-Chair must be councillors and will be elected annually.
- Election will be the first order of business at the Committee's first meeting held immediately after the Annual Parish Council Meeting.

Delegated powers

- To manage staff recruitment
- To produce employment contracts and manage changes to existing contracts in accordance with legislation
- To manage staff pension provision enrolment and opt-out procedures
- To make recommendations on the Council's staffing structure and Policies
- To monitor annual changes to the Local Government Services rates of pay (pay scales) and minimum wage allowances, and oversee the consequential changes to staff pay (including back pay)
- To manage staff performance by:-
 - conducting an annual appraisal
 - identifying training needs and, if necessary, put in place a personal improvement plan
 - recommend performance related pay increases
 - recommend and oversee staff dismissals
- To monitor staff working conditions including Health and Safety requirements
- To monitor and address regular or sustained staff absence (as per Absence Management Policy).
- To manage grievance and disciplinary matters in line with those Policies

Regulating Meetings

- Shall operate in accordance with the Standing Orders adopted by the Council on 08 April 2024.

⁸ NALC Legal Topic Note 1 (parag 10) October 2013

⁹ S104 Local Government Act 1972

STRATEGY COMMITTEE

Purpose

To recommend and develop for full Council approval a Strategic Plan which sets out the direction and goals of the Council for the next 3 years, including guidelines on actions and budget requirements to achieve those goals.

The Council's current 3-year Strategic Plan runs for the period August 2021 to July 2024

Committee Members

- Committee Members will be appointed every year at the Annual Parish Council Meeting and will be made up of a minimum of two Councillors plus the Council's Chair and Vice-Chair (as ex-officio) with voting rights¹⁰
- The Clerk/RFO¹¹ with no voting rights to offer specialist knowledge and expertise
- All Committee Members are required to comply with the Council's adopted Code of Conduct, Standing Orders, and Financial Regulations.
- Disqualification for membership is the same as that for the Council¹²
- The Committee's Chair will be the main point of contact for all Committee business.

Election of Chair and Vice-chair

- The Committee's Chair and Vice-Chair must be councillors and will be elected annually.
- Election will be the first order of business at the Committee's first meeting held immediately after the Annual Parish Council Meeting.

Regulating Meetings

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¹⁰ NALC Legal Topic Note 1 (parag 10) October 2013

¹¹ S102(3) of the Local Government Act 1972

¹² S104 Local Government Act 1972

WATER MEADOWS & FLOOD DEFENCE COMMITTEE

Purpose

To seek to mitigate flooding and to provide help and support to residents in preparation for and during flood events, thereby reducing risk to life and property within the parish. This will be managed through a Parish Flood Plan.

Committee Members

- Committee Members will be appointed every year at the Annual Parish Council Meeting and will be made up of:-
 - a minimum of four Councillors plus the Council's Chair and Vice-Chair (as ex-officio) with voting rights¹³
 - up to nine non-councillors¹⁴ (volunteer Flood Wardens) with no voting rights to offer local knowledge, enthusiasm, and play a crucial part in putting the Parish Flood Plan into action in the event of flooding.
- All Committee Members are required to comply with the Council's adopted Code of Conduct, Standing Orders, and Financial Regulations.
- Disqualification for membership is the same as that for the Council¹⁵
- The Committee's Chair will be the main point of contact for all Committee business.

Election of Chair and Vice-chair

- The Committee's Chair and Vice-Chair must be councillors and will be elected annually.
- Election will be the first order of business at the Committee's first meeting held immediately after the Annual Parish Council Meeting.

Delegated Powers

- To create, maintain, and enact an emergency Flood Plan for the parish. Objectives of the Plan:-
 - Identify the risks to the community and take action to mitigate them.
 - Identify vulnerable assets in the community and develop plans to assist/protect them.
 - Identify resources in the community available to assist during a flood.
 - Promote preparatory work that householders/business/premises can do before a flood occurs.
 - Provide key contact details for the Flood Response Team, including the Flood Wardens, the Emergency Services and Local Authorities.
- To recruit and allocate volunteer Flood Wardens to ensure coverage of flood high-risk areas in the parish
- To frequently monitor the condition of drains, culverts, watercourses, and ditches in the parish, and take pro-active steps for their clearance e.g. WC's Highways gullies team, Riparian Responsibility letters to landowners.
- To create and regularly update an inventory of flood equipment/supplies and communicate to the Clerk what additional equipment/supplies are needed in order to effectively enact the Flood Plan
- To create and enact a communication strategy on all flood matters throughout the parish.

¹³ NALC Legal Topic Note 1 (parag 10) October 2013

¹⁴ S102(3) of the Local Government Act 1972

¹⁵ S104 Local Government Act 1972

Regulating Meetings

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