

# **North Petherton Town Council**

## **Council and Committee Terms of Reference (including Delegated Responsibilities)**

**Approved by The Town Council 26 September 2022)**

The Terms of Reference aims to set out the responsibilities of the Council and  
Its' Committees and Working Groups

Agreed

## How the Town Council Operates

1. These Terms of Reference provide part of the framework within which the Town Council and its Committees make decisions (Standing Orders and Financial Regulations are the other major governance documents).
2. Councillors agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. A copy of this Code is available on the Town Council's website ( <https://nptc.info/wp-content/uploads/2022/08/2022-Councillor-Code-of-Conduct-agreed.pdf> ) or on request from the Town Council office.
3. The Town Council, that is all the Town Councillors meeting together, meets approximately every six weeks. The Town Council meeting is responsible for setting the Town Council's policies and making the major decisions. The Town Council is the policy making body; all Committees should act within the policy and governance framework set by the Town Council. Only a meeting of the Town Council can approve policy or amend it.
4. The Council conducts the majority of its routine business through Committees. The responsibilities of each committee are set out in this document and are reviewed annually.
5. Members of the various committees, sub-committees and working groups are appointed at the Council's Annual Meeting (usually held in May) or when there is a vacancy on a Committee or when a Committee etc is newly formed.
6. The Committee Chairs will be elected at the first meeting of the Committee following the Annual Town Council meeting, or if the position of Chair becomes vacant during the year at the first appropriate Committee meeting.
7. The civic year runs from annual meeting to annual meeting, that is usually May to May. A schedule of meetings is compiled for the civic year and agreed by the Town Council but may be subject to change in order to meet need and circumstances.
8. Notice of meetings, including the agenda, will be published on the noticeboard situated on Fore Street in North Petherton at least 3 clear days before the meeting, (this meets the legal requirement of publishing the Notice in a conspicuous place in the Parish). As the meeting schedule is subject to change anyone wishing to attend a meeting is advised to contact the Town Clerk to check the details regarding location, timing etc.
9. The rules to be followed for the conduct of meetings of the Council and its Committees are detailed in Standing Orders.
10. Any Town Councillor can request an item to be put on the agenda for a Town Council or Committee meeting. The decision as to whether or not the item shall be included on the agenda will be made by the Town Clerk following

consultation with the Mayor and Deputy Mayor in the case of Council or the Chair in the case of a committee.

11. All Councillors will be sent the agenda, by email, for every Committee meeting (with the exception of the Personnel Committee).
12. The agenda for Council and Committees will normally only include items where decisions are necessary. Items for information will be dealt with by means of Clerk's Update, other emails or Chair's Announcements at a meeting.
13. Council and Committee meetings will usually be open to the public to attend and observe, however there will be occasions when matters will need to be discussed and decided without the public being present e.g. if publicity of the matter for discussion would prejudice the public interest.
14. The Town Council and its Committees, Working Groups and staff will endeavour to work within the policy framework set by the Town Council and its Committees; if the Town Council or a Committee makes a decision which deviates from an agreed, existing policy the reason for the deviation will be included in the minute recording the decision. If a member of staff makes a decision which deviates from an agreed, existing policy the reason it will be reported to the next relevant Committee meeting.
15. In these Terms of Reference \* next to a specific responsibility listed for a Committee indicates a delegated power – this means that the Committee can make a decision and there is no need for further referral to Council.
16. All decisions will be made with due regard to the following principles:
  - Legality (the Town Council must ensure its actions are intra vires)
  - Financial prudence and value for money
  - The management of risk in a proportionate and considered manner
  - The exercise of power must be proportionate to the desired outcome
  - Account will be taken of consultation with partners and the public
  - Proper consideration of advice from Officers and professional advisors
  - Respect for human rights, diversity and equality
  - Environmental impact and sustainability
  - Council, Committee and Sub Committee decisions will be made in public whenever appropriate and possible

Specifically, decision makers will ensure that in arriving at a decision full and proper consideration is given to:

- The likely effect on crime and disorder and the need for prevention (Crime and Disorder Act 198 S 17)
- The Town Council's duty to promote equality and diversity
- Human Rights Legislation
- Environmental impact and sustainability
- Health and safety
- Obtaining and delivering value for money

## FULL COUNCIL

**Number of Members:** 14 i.e., all Town Councillors

**Frequency of Meetings:** approx. every 6 weeks

**Open to the Press and Public:** Yes (unless a Resolution is made to exclude the press and public for a specific item / specific reason)

**Quorum:** 5 Town Councillors i.e. 1/3 of the whole number of members of the Council

**Overall Purpose / Scope:** To provide strategic direction for the Council, determine its policies and make its major spending decisions.

- i. To approve and adopt the decision-making framework, this includes Committee Terms of Reference, Standing Orders, Financial Regulations and Schemes of Delegation.
- ii. To approve the Terms of Reference for any Advisory Groups, Working Groups or Task and Finish Groups (this may be upon recommendation from a Committee)
- iii. To review the Town Council's Committee structure and procedures as necessary and define the number of Committees together with the number of members appointed to each Committee.
- iv. To determine the functions, constitution and composition of Committees.
- v. To deal with any matters not delegated to a Committee
- vi. To delegate to a Committee a specific task e.g. drafting a consultation response, dealing with a matter raised during Community Time
- vii. To approve and adopt all Town Council policies
- viii. To set the annual budget
- ix. To set the precept.
- x. To approve invoices for payment.
- xi. To make decisions on matters involving expenditure for which there is not an existing budget provision.
- xii. To approve any expenditure (revenue or capital) which exceeds £5,000
- xiii. To approve use of reserves (earmarked or general)
- xiv. To approve budget virements exceeding £5,000
- xv. To receive reports of budget virements of less than £5,000
- xvi. To provide effective oversight and scrutiny of the Town Council's budget, reserves and balances
- xvii. To set the Town Council's policy on borrowing for financing capital projects
- xviii. To approve any application for the Town Council to borrow money
- xix. To write off bad debts
- xx. To approve the Town Council's banking arrangements including the approval of account signatories and the bank mandate
- xxi. To approve the lists of regular payments, payments by Direct Debit and payments Standing Order
- xxii. To approve the Annual Governance Statement
- xxiii. To approve the Annual Statement of Accounts
- xxiv. To appoint the Town Council's Internal Auditor
- xxv. To receive standard reports from the Internal Auditor and agree a response
- xxvi. To commission specific reports from the Internal Auditor
- xxvii. To appoint the External Auditor or agree the arrangements for the appointment of an external auditor in accordance with the Local Audit (Smaller Authorities) Regulations 2015.
- xxviii. To receive reports from the External Auditor and agree a response

- xxix. To approve the Town Council's insurance arrangements
- xxx. To elect the Mayor and appoint the Deputy Mayor
- xxxi. To appoint representatives to outside bodies and receive their reports
- xxxii. To approve the Town Council's Schedule of Meetings
- xxxiii. To confirm the appointment or dismissal of the Town Clerk and Responsible Financial Officer (this may be on recommendation from any Committee delegated to undertake the relevant process).
- xxxiv. To agree the annual salary for any employees having regard to any recommendations made by a relevant Committee.
- xxxv. To authorise staff termination payments.
- xxxvi. To approve the content of any legal agreements, licences or leases for which the Town Council is an interested party
- xxxvii. To exercise the council's power to direct as to the custody of parish property and documents in accordance with the provisions of the Local Government Act 1972 Section 226.
- xxxviii. To approve the acquisition or disposal of real property.
- xxxix. To consider legislation and the consequences thereof upon the council and disseminate such information to all members of the authority and its staff.
  - xl. To respond to consultations on strategic matters which impact upon the area covered by North Petherton Town Council (this may include recommendations from the relevant Committee).
  - xli. To oversee the Town Council's public relations activities.
  - xl.ii. To have overall responsibility for the Emergency Plan.
  - xl.iii. To decide upon matters referred by Committees.
  - xl.iiii. To ensure that in respect of the Town Council's work, decisions and activities that full and proper consideration is given to the likely effect on crime and disorder and the need for the prevention of crime and disorder (Crime and Disorder act 1998 S17)
  - xl.v. To ensure that in respect of the Town Council's work, decisions and activities that full and proper consideration is given to the Town Council's duty to promote equality and diversity
  - xl.vi. To ensure that in respect of the Town Council's work, decisions and activities that full and proper consideration is given to Human Rights Legislation
  - xl.vii. To ensure that in respect of the Town Council's work, decisions and activities that full and proper consideration is given to environmental impact and sustainability
  - xl.viii. To ensure that in respect of the Town Council's work, decisions and activities that full and proper consideration is given to health and safety
  - xl.ix. To ensure that in respect of the Town Council's work, decisions and activities that full and proper consideration is given to obtaining and delivering value for money.
    - I. To declare the Town Council's eligibility for the General Power of Competence

## **COMMITTEE RULES AND STRUCTURES**

Note: the provisions in this section apply to Committees and Sub Committees

- The Town Mayor and Deputy Town Mayor shall be ex-officio members of all Committees and Sub Committee's with full voting rights, with the exception of the Personnel Committee where only the Deputy Mayor is ex officio
- Each Committee shall be responsible for the election of Committee Chair.
- All members of the council may attend all meetings of the Committees and speak with the permission of the Committee Chairman but may not vote unless appointed as a member of the Committee the Personnel Committee being the exception..
- If a Committee is not quorate then any Council member present at the meeting, but not a member of that committee, can be co-opted onto the Committee and have full voting rights for that meeting only.
- Committees have delegated powers to make binding decisions on behalf of the council as indicated in their delegated responsibilities provided that in all cases the meeting is quorate. If the number of members present, not including those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chair may fix.
- Non-council members may be co-opted onto all Council Committees, Sub-Committees and Working Groups at the discretion of the Town Council. Non council members of a Committee will not have voting rights.
- Expenditure on revenue items may be authorised by a Committee up to the amounts included for that class of expenditure in the approved budget provided that such expenditure does not exceed £5,000 (Financial Regulations 4.1)

## **General Purposes Committee**

**Councillors No of Members:** 7 Town Councillors including the Mayor & Deputy Mayor as Ex Officio voting members

**Frequency of Meetings:** Every Two Months

**Open to the Press and Public:** Yes (Unless a Resolution is made to exclude the press and public for a specific item / specific reason)

**Quorum:** 3 Committee members

**Reports to:** Town Council

**Overall Purpose / Scope.** To manage, maintain and improve allotments, the Cemetery, the library, street cleaning, grounds maintenance and the general administration of the Town Council.

**Outputs:**

- Recommendations on allotments, Bus shelters, cemetery, library and public toilets policy
- Decisions on allotment matters
- Decisions on matters relating to bus shelters
- Decisions on cemetery matters
- Decisions on matters relating to the Christmas lights
- Decisions on matters relating to the library
- Decisions on matters relating to the public toilets
- Decisions on matters relating to the provision of services for young people
- Decisions on invoices presented for payment

### **Specific Responsibilities:**

- i. The care, maintenance and regulation of the allotments and the Cemetery.\*
- ii. On an annual basis, review and set the Council's fees and charges for the cemetery and the allotments. \*
- iii. To develop, fund and bring to fruition, projects for the improvement of the allotments and the Cemetery.
- iv. To organise the Christmas lighting display.
- v. To establish and foster civic relationships with such bodies or organisations as the Council may authorise.
- vi. To work with the local police to alleviate anti-social behaviour and vandalism in the area covered by the Town Council.
- vii. The care, maintenance and regulation of public toilet facilities in the town centre.\*
- viii. The care, maintenance and regulation of the bus shelters\*
- ix. The care and maintenance of the town's street furniture\*
- x. The care and maintenance of the floral enhancement of the town\*
- xi. To comment on behalf of the Town Council on matters such as parking, traffic calming, highway improvements, highway maintenance and maintenance of verges, drainage and gullies.\*
- xii. To approve invoices for payment.\*

- xiii. To make recommendations to the Town Council on expenditure exceeding £5,000 or where a budget has not previously been agreed by the Town Council or where a virement is required for:
- The allotments
  - The cemetery
  - Street furniture including bus shelters
  - Floral enhancements
  - Christmas lights
  - Maintenance of footpaths and communal areas
  - Maintenance of public toilets
  - Provision of services for young people
- xiv. To make decisions on expenditure up to the value of £5,000 where a budget has already been agreed by the Town Council (including budgets set as part of the annual budget process) for \*
- The allotments
  - The cemetery,
  - Street furniture including bus shelters
  - Floral enhancements
  - Christmas lights
  - Maintenance of footpaths and communal areas
  - Maintenance of public toilets
  - Provision of services for young people
- xv. To comment on behalf of the Town Council on issues regarding public transport and liaise with the appropriate organisations.\*
- xvi. To draft and review policies and make recommendations to Council regarding policies which relate to topics that fall within the Committee's remit
- xvii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to the likely effect on crime and disorder and the need for prevention (Crime & Disorder Act 1998 S17)
- xviii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to the Council's duty to promote equality and diversity
- xix. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to Human Rights legislation
- xx. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to environmental impact and sustainability
- xxi. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to health and safety
- xxii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to obtaining and delivering value for money.



## Planning Committee

**Councillors No of Members:** 7 Town Councillors including the Mayor & Deputy Mayor as Ex Officio voting members

**Frequency of Meetings:** Monthly

**Open to the Press and Public:** Yes (Unless a Resolution is made to exclude the press and public for a specific item / specific reason)

**Quorum:** 3 Committee members

**Reports to:** Town Council

**Overall Purpose / Scope:** To discuss in detail planning and similar applications and the creation, diversion or closure of footpaths and bridleways as they affect the North Petherton Town Council area, its residents, businesses and visitors

**Note:** The Town Council is a Statutory Consultee for planning applications and as such does not make the final decision on any application any decisions and comments this Committee makes will be fed into the planning process. The appropriate planning authority and will issue the decision notice (Planning Determination) once their investigations into an application, consultation period and decision-making process have been completed.

**Outputs:** Comments / observations sent to the relevant authority on any matters within the Committee's remit.  
Decisions on invoices presented for payment

### Specific Responsibilities

- i. To comment on planning applications on behalf of the Town Council to the relevant planning authorities on planning applications, listed building consents, conservation area consents and tree preservation orders within the area covered by North Petherton Town Council or its adjacent neighbours where there may be an impact on the Town Council's area. \*
- ii. To comment on behalf of the Town Council with regard to creation, diversions and closures\*of footpaths and bridleways.\*
- iii. To make suggestions and recommendations, when requested to do by the relevant local authority or developers for street names for developments within area covered by North Petherton Town Council.\*
- iv. To approve invoices for payment.\*
- v. To draft and review policies and make recommendations to Council regarding policies which relate to topics that fall within the Committee's remit
- vi. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to the likely effect on crime and disorder and the need for prevention (Crime & Disorder Act 1998 S17)

- vii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to the Council's duty to promote equality and diversity
- viii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to Human Rights legislation
- ix. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to environmental impact and sustainability
- x. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to health and safety
- xi. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to obtaining and delivering value for money.

Agreed

## Strategic Development and Finance Committee

**Councillors No of Members:** 7 Town Councillors including the Mayor & Deputy Mayor as Ex Officio voting members

**Frequency of Meetings:** At least Quarterly

**Open to the Press and Public:** Yes (Unless a Resolution is made to exclude the press and public for a specific item / specific reason)

**Quorum:** 3 Committee members

**Reports to:** Town Council

**Overall Purpose / Scope** To make decisions and recommendations regarding the budget and expenditure in respect of the Town Council's finances, property equipment and technology.

**Outputs:**

- Recommendations on a Draft Budget
- Recommendations on medium and long term financial strategies
- Recommendations regarding Local Plan
- Recommendations on responses to infrastructure consultations
- Recommendations strategic consultations
- Draft business plans for capital projects
- Decisions on Investments
- Decisions on grant applications made to the Town Council
- Decisions on invoices presented for payment

**Decision Making Power:** as indicated by \*

### Specific Responsibilities:

#### Strategic Development

- i. To consider any consultations regarding the Local Plan and recommend a response to Council
- ii. To consider any consultations regarding infrastructure and recommend a response to Council
- iii. To consider any consultations regarding strategic level and recommend a response to Council

Note: Any draft response for (i) to (iii) above should be cognisant of the operational knowledge and experience of other Committee's.

#### Finance

- i. To oversee the strategic and policy issues affecting the Council's acquisition and development of information technology.
- iv. To provide effective oversight, scrutiny and monitoring of the Town Council's budget, reserves and balances.\*
- v. To recommend to the Town Council the budget and precept level.
- vi. To undertake quarterly review of the Town Council's expenditure against the approved budget and to report to the Council highlighting any variations.
- vii. To receive reports on the undertaking of bank reconciliations.

- viii. To draft and develop the Town Council's medium and long term financial strategies for recommendation to Council.
- ix. To develop the business plans for capital projects for consideration by the Town Council.
- x. To review the draft Annual Governance and Accountability Return (AGAR) prior to consideration by the Town Council.
- xi. To consider and determine grant applications, within the agreed budget, made to the Town Council including grants to the North Petherton Playing Fields Charitable Trust.\*
- xii. To approve invoices for payment.\*
- xiii. To ensure that funding opportunities and income generation opportunities are explored and developed.
- xiv. To manage the Town Council's investments in accordance with the Town Council's Investment Strategy.
- xv. To consider matters referred by the Town Council.
- xvi. To draft and review policies and make recommendations to Council regarding policies which relate to topics that fall within the Committee's remit
- xvii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to the likely effect on crime and disorder and the need for prevention (Crime & Disorder Act 1998 S17).
- xviii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to the Council's duty to promote equality and diversity.
- xix. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to Human Rights legislation.
- xx. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to environmental impact and sustainability.
- xxi. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to health and safety.
- xxii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to obtaining and delivering value for money.
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## Definitions

<b>Action Plan</b>	Targeted, detailed resourced and programmed activities to achieve implementation of objectives
<b>Aims</b>	Broad brush statements of vision and intent
<b>Annual Governance Statement</b>	A statement in internal control by the council required by regulations which forms part of the annual return and sets out representations and assertions intended to give the public assurance about the way in which the council has exercised corporate governance
<b>Delegated Power</b>	The decisions and actions that a committee is allowed to make without reference back to a full meeting of the Council
<b>Discretionary</b>	A function or service provided by the Town Council, that is not mandatory, but assists with the achievement of its aims and objectives
<b>Internal Audit</b>	A function within, or procured by the council, which review and reports on the effectiveness of internal controls (Governance & Accountability for Local Councils)
<b>Internal Control</b>	An activity, process, system or measure to ensure that a local council's activities are carried out properly and as intended (Governance & Accountability for Local Councils)
<b>Mandatory</b>	Compulsory compliance is required by the Town Council in the performance of its duties in order to remain lawful
<b>Objectives</b>	Specific detailed goals to achieve the aims
<b>Policy</b>	What it is wanted / intended to do
<b>Precept</b>	A legal demand by a local council on its District Council (or other second tier body) for operating funds to meet budget needs. The precept is recovered from local taxpayers via council tax
<b>Priority</b>	The rank / order of importance of the approved aims and objectives
<b>Procedure</b>	The rules / steps that govern the implementation of the policy
<b>Process</b>	The action needs to implement a policy

<b>Reserves</b>	Balances of cash held for specific future purposes or generally to offset risk (Governance & Accountability for Local Councils)
<b>Risk Management</b>	The arrangements which a council makes to identify key business risks, evaluate these and put in place measures to reduce the risk or manage the consequence of it occurring (Governance & Accountability for Local Councils)
<b>Statutory</b>	Duties required of the Town Council by virtue of the fact they are set in statute
<b>Strategy</b>	How and when we put the policy into effect
<b>Terms of Reference</b>	provide information on the purpose and scope of a Committee, Working Group etc
<b>Virement</b>	Approved transfers of expenditure from one budget head to another (Governance & Accountability for Local Councils)

Agreed