



# Ilminster Town Council

## Terms of Reference for Council & Committees (~~V4~~ V5)

Approved by Council 10<sup>th</sup> September 2013

Amended by Council 24 June 2014 (Various amendments)

Amended by Council 16.12.14 (ToR for Complaints Panel added)

Amended by Town Council 21 June 2016 (Appeals Committee amended)

Amended by Town Council 22 May 2018 (various amendments)

# Introduction

1. These Terms of Reference provide part of the framework within which the Council and its committees make decisions
2. The Terms of Reference are complementary to the Council's other constitutional documents including Standing Orders and Financial Regulations

3. Committee Membership

Committees have 8 Councillors and appointments are made at the Annual Town Council meeting

All Councillors may attend any sit-on every Committee and speak with the permission of the Committee Chair but non-Committee members do not have a vote.

~~with the exception of~~ If items pertaining to either the Grievance, Capability and Disciplinary Committee and/or the Appeals Committee; ~~If items pertaining to either of the latter committees~~ are to be discussed at the Resources Committee members of the Grievance, Capability and Disciplinary Committee and the Appeals Committee will leave the room for those discussions

4. The Committee Chairs will be elected by the Committee and ratified at the Annual Town Council meeting to serve for a term of 1 municipal year, however there is an expectation a Committee Chair will serve for 2 years and be succeeded by the Councillor who is the Committee Vice-Chair at the end of the second term of office

- 4.5. The Vice-Chair of each Committee will be appointed by the Committee and ratified at the Annual Town Council meeting

- 5.6. The Town Council is the policy making body; all Committees must act within the policy framework set by the Town Council. Only a meeting of the Town Council can approve policy or amend it.

- 6.7. The rules to be followed for the conduct of meetings are detailed in Standing Orders

- 7.8. All decisions made by the Council and its Committees will be made with due regard to the following principles:

- Legality
- Financial prudence and value for money
- 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
- Decisions will be made in public whenever practicable and appropriate

- The management of risk in a proportionate and considered manner

8.9. Any Councillor can request an item to be put on the agenda for a Council or Committee meeting. The decisions 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 and Vice-Chair in the case of a committee.

~~9. All Councillors will be sent the agenda for every formal Committee meeting with the exception of the Grievance, Capability and Disciplinary Committee and the Appeals Committee~~

10. Council and Committees will normally only consider items where decisions are necessary. Items which are for information only will be included in the Clerk's Update and a list of Clerk's Updates that have been issued will be included on each Council agenda so that Councillors have the opportunity to ask questions.

11. 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

12. In these Terms of Reference \* next to a specific responsibility indicates a delegated power - this means that the Committee can make a decision and there is no need for further referral to Council.

## **Council**

**Number of Members:** 15 i.e. all Town Councillors

**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:** 1/3 of the whole number of members of the Council (Standing Order 3t)

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

### **Specific Responsibilities**

1. The full Council is responsible for the approval and adoption of the decision making framework, this includes Committee Terms of Reference, Standing Orders, Financial Regulations, Schemes of Delegation.
2. To approve the Terms of Reference for any Advisory Groups, Task and Finish Groups or Working Groups
3. To approve and adopt all Council policies
4. To set the annual budget
5. To set the precept
6. To make decisions on matters involving expenditure for which there is not an existing budget provision
7. To approve any expenditure which exceeds £5,000
8. To approve budget use of reserves
9. To approve budget virements exceeding £5,000
10. To receive reports of budget virements agreed by Committees or the Town Clerk
11. To provide effective oversight and scrutiny of the Council's budget, reserves and balances
12. To set the Council's policy on borrowing for financing capital projects
13. To approve the Annual Statement of Accounts



14. To appoint the Council's Internal Auditor
15. To receive standard reports from the Internal Auditor
16. To commission specific reports from the Internal Auditor
17. To receive reports from the External Auditor
18. To approve the Council's insurance arrangements

19. To elect the Mayor

~~19-20.~~ To and appoint the Deputy Mayor

~~20-21.~~ To elect the Chairs of Committees

~~21-22.~~ To appoint the Vice-Chairs of Committees

~~22-23.~~ To appoint representatives to outside bodies

~~23-24.~~ To receive the reports of its representatives on outside bodies

~~24-25.~~ To approve the Council's Timetable of Meetings

~~25-26.~~ To approve the appointment of the Town Clerk and the Responsible Financial Officer (on recommendation from any committee delegated the recruitment process)

~~26-27.~~ To approve content of any legal agreements, licences or leases for use of the Recreation Ground and Britten's Field or any other open space or building owned or managed by the Town Council.

28. To approve the Town Council's banking arrangements

29.

~~27-30.~~ To liaise with relevant organisations regarding issues relating to flooding as they affect Ilminster.

~~28-31.~~ To ensure that in respect of the 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 prevention (Crime & Disorder Act 1998 S17)

~~29-32.~~ To ensure that in respect of the Council's work, decisions and activities that full and proper consideration is given to the Council's duty to promote equality and diversity

~~30-33.~~ To ensure that in respect of the Council's work, decisions and activities that full and proper consideration is given to Human Rights legislation

~~31-34~~. To ensure that in respect of the Council's work, decisions and activities that full and proper consideration is given to environmental impact and sustainability

~~32-35~~. To ensure that in respect of the Council's work, decisions and activities that full and proper consideration is given to health and safety.

~~33-36~~. To ensure that in respect of the Council's work, decisions and activities that full and proper consideration is given to obtaining and delivering value for money

## Planning, Highways and Transport Committee

**Number of Members:** 8 Councillors ~~All Councillors sit on this Committee~~

**Frequency of Meetings:** Monthly (whenever possible approx 10 days before SSDC Area West Committee)

**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 Councillors**

### Overall Purpose / Scope

- To discuss in detail planning, highways and transport matters as they affect Ilminster, its residents, businesses and visitors
- To liaise with relevant organisations e.g. planning authorities, transport providers
- To make recommendations and representations to the appropriate authorities / organisations

**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 and added to the report by the Planning Officer. South Somerset District Council is the Planning Authority and will issue the final decision notice (Planning Determination) once their investigations into the application, consultation period and decision making process has been completed.

### Specific Responsibilities

1. \*Makes recommendations on behalf of Ilminster Town Council to the relevant Planning Authorities (South Somerset District Council or Somerset County Council) on planning applications, listed building consents, conservation area consents and Tree Preservation Orders within Ilminster or its adjacent neighbours where there may be an impact on Ilminster.
2. \*Makes recommendations on behalf of Ilminster Town Council to Somerset County Council on highways issues such as parking, traffic calming, highway improvements, maintenance of verges, drainage and gullies.
3. \*Makes recommendations on behalf of Ilminster Town Council to Somerset County Council on issues regarding public rights of way, footpaths and bridleways
4. \*Liaises with relevant organisations regarding issues relating to public transport
5. \*To consider information received by the Town Council in relation to Road Closure Orders and makes relevant related comments to Somerset County Council where there is an impact upon the town of Ilminster.

6. \*To make suggestions and recommendations when requested to do so by South Somerset District Council or developers, for street names for developments within Ilminster.
7. \*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)
8. \*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
9. \*To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to Human Rights legislation
10. \*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
11. \*To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to health and safety
12. \*To ensure that in respect of the Council's work, decisions and activities that full and proper consideration is given to obtaining and delivering value for money.



## Open Spaces Committee

**Number of Members:** 8 Councillors ~~All Councillors sit on this Committee~~

**Frequency of Meetings:** Every 2 months ~~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:** 5

### Overall Purpose / Scope:

- To make decisions and recommendations regarding the budget, expenditure and income relating to the open spaces and play areas owned or managed by the Town Council, Herne Hill and the Cemetery
- To make recommendations to the Town Council regarding the policies relating to the open spaces and play areas owned or managed by the Town Council, Herne Hill and the Cemetery

### Specific Responsibilities

1. To make recommendations to Council regarding the annual budget for:
  - the open spaces and play areas owned or managed by the Town Council (including any buildings located within the open space)
  - Herne Hill;
  - the Cemetery
  - the canal
2. To make recommendations to Council on expenditure exceeding £5,000, or where a budget has not previously been agreed by Council or where a virement is required for:
  - the open spaces and play areas owned or managed by the Town Council (including any buildings located within the open space)
  - Herne Hill;
  - the Cemetery
  - the canal
3. \*To make decisions, on expenditure up to the value of £5,000 where a budget has already been agreed by Council, (including budgets set as a part of the annual budget process) for:
  - the open spaces and play areas owned or managed by the Town Council (including any buildings located within the open space)
  - Herne Hill;
  - the Cemetery
  - the canal
4. \* To approve virements up to the value of £5,000 within the relevant, approved budgets for:

- the open spaces and play areas owned or managed by the Town Council (including any buildings located within the open space)
- Herne Hill;
- the Cemetery
- the canal

Such virements to be reported to Council.

5. \*To monitor expenditure relating to Open Spaces against approved, relevant budgets.
6. \*To determine requests for use of the Recreation Ground, Britten's Field or any other open space owned or managed by the Town Council, where there is no precedent or if the request is for frequent / regular use.
7. To propose the fee scale to be charged for usage of the Recreation Ground, Britten's Field or any other open space owned or managed by the Town Council (the proposal to form part of the annual budget)

8. To propose fees to be charged relating to the Cemetery (the proposal to form part of the annual budget)

8.9. To agree the broad content of any legal agreements, licences or leases for use of the Recreation Ground and Britten's Field or any other open space owned or managed by the Town Council.

9.10. To make recommendations to Council on policies and strategies for managing

- the open spaces and play areas owned or managed by the Town Council (including any buildings located within the open space)
- Herne Hill;
- the Cemetery
- the canal

10.11. \*To oversee the implementation of the policies and strategies for managing

- the open spaces and play areas owned or managed by the Town Council (including any buildings located within the open space)
- Herne Hill;
- the Cemetery
- the canal

11.12. \*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)

12.13. \*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

~~13.~~14. \*To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to Human Rights legislation

~~14.~~15. \*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

~~15.~~16. \*To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to health and safety

~~16.~~17. \*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.



## Resources Committee

**Number of Members:** 8 Councillors ~~All Councillors sit on this Committee~~

**Note:** If items pertaining to either the Grievance, Capability and Disciplinary Committee or the Appeals Committee are to be discussed at the Resources Committee the members of the Grievance, Capability and Disciplinary Committee and the Appeals Committee will leave the room for those discussions

**Frequency of Meetings:** Every 2 months ~~6 times per year (usually on the rising of the Planning, Highways and Transport Committee)~~

**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

### Overall Purpose / Scope:

- To make decisions and recommendations regarding the budget, expenditure and policies regarding the Council's resources i.e. property, information and communication technology, staffing

### Specific Responsibilities

1. To make recommendations to Council regarding the annual budget for matters relating to property, information and communication technology, and staffing
2. To make recommendations to Council on expenditure exceeding £5,000, or where a budget has not previously been agreed by Council or where a virement is required for all matters relating to property, information and communication technology and staffing
3. \*To make decisions, on expenditure up to the value of £5,000 where a budget has already been agreed by Council, (including budgets set as a part of the annual budget process) for all matters relating to property, information and communication technology and staffing
4. \*To approve virements up to the value of - £5,000 within the relevant, approved budgets for all matters relating to property, information and communication technology and staffing; such virements to be reported to Council
5. To make recommendations to Council regarding changes to Financial Regulations
6. \*To monitor expenditure against approved, relevant budgets for all matters relating to property, information and communication technology and staffing



7. \*To ensure that funding opportunities and income generation opportunities are explored and developed
8. \* To approve Grants and Revenue Subsidy Grants, within the allocated budgets
9. \*To make recommendations to Council on policies and strategies relating to all matters for all matters relating to property, information and communication technology and staffing
- 10.\*To approve a costed training plan which is within the Town Council's approved budget for training
- 11.\* To approve the Council's appraisal scheme
- 12.To agree and oversee the implementation of any policies and strategies for managing the weekly market.
- 13.To propose fees to be charged to stall holders at the weekly market (the proposal to form part of the annual budget).
- 14.\*To agree any arrangements relating to the tenancy of the Cemetery Lodge including setting the rent
- 15.To consider the terms of each proposed sponsorship agreement e.g. locations, duration, size and type of sponsorship sign, and decide the value and make recommendations to Council.
- 16.\*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)
- 17.\*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
- 18.\*To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to Human Rights legislation
- 19.\*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
- 20.\*To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to health and safety
- 21.\*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.

## **Grievance, Capability and Disciplinary Committee**

**Number of Members:** 3 + 2 reserves

**Frequency of Meetings:** When required

**Open to the Press and Public:** Given the purpose of this Committee it is likely that a resolution would be passed to exclude the press and public from the meeting.

**Quorum:** 3

**Chair:** The Chair of this Committee is the Deputy Mayor; this is an ex officio appointment

**Overall Purpose / Scope:**

### **Specific Responsibilities**

1. \*To conduct grievance, capability and disciplinary proceedings, including the determination of a sanction, in accordance with the relevant Council policy

## **Appeals Committee**

**Number of Members:** 3 + 1 reserve

**Frequency of Meetings:** When required

**Open to the Press and Public:** Given the purpose of this Committee it is likely that a resolution would be passed to exclude the press and public from the meeting.

**Quorum:** 3

**Overall Purpose / Scope:** To determine appeals relating to grievance, discipline or capability proceedings and adjudicate stage 1 pension appeals”

### **Specific Responsibilities**

1. To determine appeals relating to grievance, discipline or capability proceedings, including the review of a determined sanction, in accordance with the relevant Council policy.
2. To adjudicate Stage 1 appeals regarding pensions as set out in the Peninsula Pensions Employers Guide to the Internal Dispute Resolution Procedure.

## Complaints Panel

**Number Of Members:** 3

(Note: there is not a standing membership for this Panel, it will be convened by the Town Clerk in consultation with the Mayor and Deputy Mayor with the membership to be drawn from all Councillors but to include at least 1 Committee Chair)

**Frequency Of Meetings** Ad Hoc – when required

**Open To The Press And Public** Given the purpose of this Panel it is likely that a resolution would be passed to exclude the press and public from the meeting

**Quorum** 3

**Overall Purpose / Scope** To consider and determine complaints

### **Specific Responsibilities**

1. \*To consider and determine complaints about the Council's administration or its procedures.



## 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
<b>Virement</b>	Approved transfers of expenditure from one budget head to another (Governance & Accountability for Local Councils)