



**Terms of Reference
and
Delegation of Powers to Committees**

2018–2019

Adopted by Full Council 25.06.18



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Note: Amendments to these Terms of Reference may be made from time to time by resolutions of Full Council.

Terms of Reference

Full Council

The following matters shall be reserved for decision by Full Council, but the appropriate Committee(s) may make recommendation for the Council's consideration:

1. The Precept.
2. Borrowing money.
3. Making, amending or revoking Standing Orders, Financial Regulations, Duties and Powers of Proper Officer provisions.
4. Making, amending or revoking by-laws.
5. Making of Orders under Statutory Powers.
6. Matters of principle or policy.
7. Addressing recommendations in any report from the Internal and External Auditors.
8. Nomination or appointment of representatives of the Town Council on any authority, organisation or body (except approved conferences or meetings).
9. Nomination of members of all standing committees.
10. New powers or duties.
11. Prosecution or defence in a Court of Law.
12. Nomination or appointment of representatives of the Town Council to any enquiry on matters affecting the town.
13. To receive and adopt the Annual Accounts.
14. To receive and sign off the Annual External Audit and Return.
15. To receive reports and recommendations referred to Full Council from the various committees.
16. To set up direct reporting working groups as necessary.
17. To receive reports and recommendations and consider recommendations from all direct reporting working groups set up by Full Council or indirect groups where considered appropriate by the Town clerk or Committee Chairs due to timetable restrictions.
18. To authorise the sealing of various documents with the Common Seal.
19. To appoint representatives on outside bodies or joint bodies.
20. To confirm the appointment of the Town Mayor/Deputy Mayor.
21. To confirm the schedule of meetings of Full Council and the standing committees for the ensuing year.
22. To receive petitions and deputations from members of the public or any organisations.
23. Any other matters not delegated to a standing committee or referred to Full Council by standing committees.

Terms of Reference

Planning Advisory Committee

The Planning Advisory Committee meets to consider all planning applications in the town. Comments are sent to the Unitary Council as part of their consultation procedure. The aim is to use Planning Law, Wiltshire Council's Core Strategy, Policy and Periodic Planning Guidance notes to preserve and enhance the town's character, whilst encouraging its commercial and social vitality. It will also consider the recommendations of the Spatial Planning Review Working Group.

1. Membership

Seven elected Members.

Co-opted: The Chairman of the Spatial Planning Review Working Group.

2. Delegated Business

The Committee has delegated authority to deal with the following matters to conclusion:

- 2.1 At meetings to consider all planning applications sent for consultation by Wiltshire Council.
- 2.2 To comment on behalf of the Town Council on planning applications having due regard to the Town Council's policies and that of the Neighbourhood Plan.
- 2.3 To deal with requests for street naming.
- 2.4 To produce and publish any information for the public about planning matters, except plans which hold copyright.
- 2.5 To delegate the power to the Town Clerk in discussion with the Chairman or Vice Chairman, to make recommendations to Wiltshire Council on minor revisions to applications for which there is insufficient time to call a planning committee or sub committee meeting. The exercise of this power should be consistent with established practice and policy of the committee, where defined, and shall be reported to the next planning committee meeting.
- 2.6 To form sub-committees or "task and finish" working groups as required. To determine the terms of reference, schedule of meetings and whether the meeting is open to the public or closed.
- 2.7 Equipment within the area of its responsibilities and not under the control of any other committee.
- 2.8 Receive petitions and deputations from the general public or any organisation relevant to the work of the committee.

- 2.9 To receive reports and recommendations from the Spatial Planning Review Working group, or any other group set up by other Committees.

Planning Advisory Committee continued

3. Referred Business

To consider and make recommendations to Full Council on the following matters:

- 3.1 Any other matters referred to the Committee by Full Council.

Terms of Reference

Finance and Assets Committee

The Finance and Assets Committee manages the Town Council's budgets to ensure all expenditure is authorised where necessary and income is collected. The Committee manages the assets of the town that the Council owns or manages, including Dewey House, Warminster Civic Centre, the Lake Pleasure Grounds, the public toilets, bus shelters, benches, the obelisk, War Memorial, Yeates meadow, Minster closed churchyard, Boreham Cemetery, Ashley Place amenity space, the allotments and any other asset.

1. Membership

Seven elected Members.

2. Delegated Business

The Committee has delegated authority to deal with the following matters to conclusion:

2.1 All financial matters

2.1.1 Monthly Management Accounts.

2.1.2 To receive reports of paid invoices for goods and services.

2.1.3 Draft budget for submission to Full Council for decision.

2.2 To form sub-committees or “task and finish” working groups as required. To determine the terms of reference, schedule of meetings and whether the meeting is open to the public or closed.

2.3 Specific matters referred by Full Council.

2.4 Allocation of grants within the agreed criteria and budget of the Town Council.

2.5 Agree and manage maintenance contracts and budgets for all services and assets owned by the Town Council.

2.6 To act as a Tender Committee as and when necessary and to report the outcome of any tendering procedure to Full Council.

2.7 Administration, maintenance and use of all buildings and public spaces that the Town Council owns and which are in use.

2.8 Receive petitions and depositions from members of the public or any organisation relevant to the work of the committee.

Finance and Assets Committee continued

3. Referred Business

The Committee may consider and state to Full Council on the following matters:

- 3.1 Allocation of grants within the agreed criteria and budget of the Town Council.
- 3.2 Budget estimates, to be prepared no later than November of each year.
- 3.3 Monitor income and expenditure within the budget estimates approved by Full Council and make necessary recommendations.
- 3.4 Review the Town's Council's Financial Regulations as necessary.
- 3.5 Any other matters referred to the Finance and Assets Committee by Full Council that are not within their terms of reference.

Terms of Reference

HR Committee

The HR Committee is responsible for all staffing matters for the Council and includes all training and development matters, including for elected Members. The Committee is also responsible for all Health & Safety issues and the relevant required risk assessments.

1. Membership

Mayor and Deputy Mayor, Chairs of Finance and Assets, Planning Advisory Committee and Town Development.

2. Delegated Business

The Committee has been delegated authority to deal with the following matters to conclusion:

- 2.1 To advertise for staff appointments and arrange interviews.
- 2.2 To carry out the Town Clerk's staff appraisal and agree objectives.
- 2.3 To agree and arrange staff salaries within the agreed budget.
- 2.4 To agree and arrange training requirements for staff and Councillors within the agreed budget.
- 2.5 To consider, and bring to a final conclusion, any matters of grievance or discipline as outlined by the policies contained in the Staff Handbook applicable to all members of staff employed by the Town Council.
- 2.6 To discuss with the Town Clerk, and staff concerned, any issues relating to staffing levels and regrading, pay levels and staffing structures and make decisions.
- 2.7 To receive and note annual and other appraisals and be the point of contact for any appeal.
- 2.8 To deal with any complaints made against the Town Council in accordance with the Council's Complaints Procedure
- 2.9 To deal with any staff complaint concerning the Town Clerk.
- 2.10 To deal with any staff matters referred by the Town Clerk.
- 2.11 To ensure that the Council complies with Health and Safety issues including the annual risk assessment procedure.
- 2.12 Any other personnel matters delegated by the Town Council.

HR Committee continued

2.13 To form sub-committees or “task and finish” working groups as required. To determine the terms of reference, schedule of meetings and whether the meeting is open to the public or closed.

3. Referred Business

3.1 To interview for staff appointments and make decisions.

3.2 To review staff requirements and job descriptions, revise as necessary.

Terms of Reference

Town Development Committee

The Town Development Committee co-ordinates all transport, highways and environmental issues in the town. These include play areas, lighting, road maintenance, new highway projects and speed limits, rural footpaths, byways and all other rights of way and flooding.

1. Membership

- 1.1 Seven elected Members.
- 1.2 Three Advisers one of whom will be the Chair of the Spatial Planning Review Working Group.

2. Delegated Business

The Committee has been delegated to deal with the following matters to conclusion:

- 2.1 To consider and comment on any highways and transport matters and oversee related projects.
- 2.2 To make referrals to the Community Area Transport Group where necessary following 2.1 above.
- 2.3 Footpaths, bridleways and rights of way.
- 2.4 Equipment within the area of its responsibilities and not under the control of any other committee.
- 2.5 To request funds from the Capital Fund cost centre as agreed by the committee.
- 2.6 To form sub-committees or “task and finish” working groups as required. To determine the terms of reference, schedule of meetings and whether the meeting is open to the public or closed.
- 2.7 To receive monitoring reports from the Spatial Planning Review Working Group. To monitor and report on all Warminster based Spatial Planning Issues being considered or proposed by Wiltshire Council. To allow such reports to go direct to the Planning Advisory Committee after consultation with the Committee Chair and/or Town Clerk, if timetable constraints do not allow placing on the next meeting agenda.
- 2.8 To delegate the power to the Town Clerk in discussion with the Chairman or Vice Chairman, to make recommendations or minor revisions to matters for which there is insufficient time to call a Town Development committee meeting. The exercise of this power should be consistent with established practice and policy of the committee, where defined, and shall be reported to the next committee meeting.

3. Referred Business

To consider and make recommendations to the Town Council on the following matters:

- 3.1 Budget estimates, to be prepared no later than September each year.
- 3.2 Any other matters referred to the Committee by the Town Council.

Terms of Reference

Sub-Committees and Working Groups

Sub-Committees and Working Groups set up by Full Council, Finance and Assets, HR, Town Development and Planning Advisory Committees.

1. Membership

The chairman of any committee setting up a sub-committee or working group shall be a member of the sub-committee or working group. Any other members can be appointed and so can non-elected members of the public or any other representative from a properly constituted body.

2. Delegated Business

The Working Group has delegated authority to discuss and debate items as specified by the parent committee in a brief which should be minuted:

- 2.1 No Working Group shall have powers to make decisions on policy or budget commitment. Recommendations shall be put before the relevant parent committee for ratification. To delegate the power to the Town Clerk in discussion with the Chairman or Vice Chairman, to make recommendations or minor revisions to matters for which there is insufficient time to call a Working Group meeting. The exercise of this power should be consistent with established practice and policy of the working group, where defined, and shall be reported to the next working group meeting
- 2.2 Agendas shall be put together by the Clerk's office in conjunction with the Chairman.
- 2.3 Minutes of the sub-committee or working groups will be made available to all members and the general public on request. They will be prepared by the Clerk's office unless other arrangements have been made.
- 2.4 Meetings of sub-committees and working groups will not necessary be open to the public but all minutes will be available once adopted by the parent committee.
- 2.5 The general ToRs can be expanded for any working group if required to enable the completion of a project. Any additional ToRs will be adopted by the parent committee.

Terms of Reference

Co-option Policy

1. All committees of Warminster Town Council, with the exception of the Finance and Assets Committee, can co-opt members who are not elected Councillors to assist with the work of their committee.
2. All members of the Finance and Assets Committee must be members of Full Council.
3. The co-option of an individual is not to be confused with the filling of a casual vacancy on Full Council, which would only arise if an elected member should resign, die or be disqualified.
4. Co-option will not be politically led nor be a vehicle to enlist those parties not represented on Warminster Town Council.
5. Co-opted members appointed to a Committee of the Council will have the authority of the organisation they are representing and this should be advised in writing to the Clerk of the Council if requested.
6. Co-opted members will be known as Advisers to the Committee.
7. Advisers can be appointed by a Committee in the event that additional expertise is required to make decisions or add knowledge that would be of benefit to the committee concerned.
8. Advisers will have no voting rights. There are exceptions to this rule, and non members would have a vote in four cases. These four are the management of land, harbour functions if the council is a harbour authority, tourism functions and the management of a festival.
9. All members of a Committee will vote for an individual adviser to be appointed by way of a resolution in a public meeting, with the exception of the HR Committee who will appoint in private.