



*Delivering a brighter, greener future for all*

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

**2023–2024**

**Adopted by Full Council 22.05.23**



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*Note:* Amendments to these Terms of Reference and Delegation of Powers to Committees 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 that requests one (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 confirm the appointment of the Town Mayor/deputy Mayor.
20. To confirm the schedule of meetings of full council and the standing committees for the ensuing year.
21. To receive petitions and deputations from members of the public or any organisations.
22. Any other matters not delegated to a standing committee or referred to full council by standing committees.

## **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 elected members; all health & safety issues and the relevant required risk assessment; and to deal with any complaints made against the town council in accordance with the council's complaints procedure.*

#### **1. Membership**

Mayor and deputy Mayor, and the chairmen of all the full committees.

#### **2. Delegated Business**

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

- 2.1 To carry out the town clerk's staff appraisal and agree objectives.
- 2.2 To agree and arrange staff salaries within the agreed budget.
- 2.3 To agree and arrange training requirements for staff and councillors within the agreed budget.
- 2.4 To consider, and bring to a final conclusion, any matters of grievance or discipline as outlined by the policies applicable to all members of staff employed by the town council.
- 2.5 Following discussions with the town clerk, and staff concerned, to receive and resolve any issues relating to staffing levels and regrading, pay levels and staffing structures.
- 2.6 To receive and note annual and other appraisals and be the point of contact for any appeal.
- 2.7 To deal with any complaints made against the town council in accordance with the Council's Complaints Procedure.
- 2.8 To deal with any staff complaint concerning the town clerk.
- 2.9 To deal with any staff matters referred by the town clerk.
- 2.10 To ensure that the council complies with health and safety issues including the annual risk assessment procedure.
- 2.11 Any other personnel matters delegated by the town council.

#### **HR committee continued**

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

### **3. Referred Business**

- 3.1 To review staff requirements and job descriptions received from other committees, revise as necessary.
- 3.2 To consider the implications of the services to be devolved from Wiltshire Council and their impact on HR matters.

## **Terms of Reference**

### **Finance and Audit committee**

*The Finance and Audit committee oversees the town council's budgets to ensure all expenditure is authorised where necessary and income is collected. The committee may undertake an audit and scrutiny of any spending decision by any committee or officer. The committee manages the following assets of the town that the Council owns or manages: Dewey House; Warminster Civic Centre; and any other asset not managed by another committee*

#### **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 meetings are open or closed to the public.

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 which fall under the remit of the committee.

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 which fall under the remit of the committee.

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

## **Finance and Audit committee continued**

### **3. Referred Business**

The Committee may consider and report to full council or committees on the following matters:

- 3.1 To report on the Finance and Audit committee's allocation of grants within the agreed criteria and budget of the town council.
- 3.2 To provide council with a budget and precept recommendation annually in January, to be prepared no later than November of the preceding year.
- 3.3 Monitor income and expenditure within the budget estimates approved by Full Council and make necessary recommendations.
- 3.4 Review the town council's Financial Regulations as necessary.
- 3.5 All implications of any services devolved from Wiltshire Council, and the impact on the ability of the town council to properly budget and execute its financial responsibilities.
- 3.6 Any other matters referred to the Finance and Audit Committee by Full Council that are not within their terms of reference.

## **Terms of Reference**

### **Planning Advisory committee**

*The Planning Advisory committee meets to consider all planning applications in the town. Comments are sent to the Wiltshire Council as part of their consultation procedure. The aim is to use planning law, the National Planning Policy Framework, 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 policies, aspirations and recommendations of the Neighbourhood Plan Review Working Group.*

#### **1. Membership**

Seven elected Members.

Co-opted: The chairman of the Neighbourhood Plan 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 Advisory 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 meetings are open or closed to the public.
- 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.



## **Planning Advisory committee continued**

- 2.9 To receive reports and recommendations from the Neighbourhood Plan Review Working group, where necessary.

### **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.

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## **Terms of Reference**

### **Town Development committee**

*The Town Development committee co-ordinates environmental issues in the town. These include CCTV, lighting, spatial planning, the town settlement boundary and flooding. The committee manages the following assets of the town that the council owns or manages: the Tynning allotments. The Town Development committee shall consider how to promote the town as a place to live, work and enjoy. This shall include consideration of events, publicity and marketing and the promotion of the town as a destination for visitors.*

#### **1. Membership**

1.1 Seven elected Members.

1.2 Up to Three Advisers

#### **2. Delegated Business**

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

2.1 Equipment within the area of its responsibilities and not under the control of any other committee.

2.2 To request funds from the Capital Fund cost centre as agreed by the committee, to be reported to the Finance and Audit committee if over £7500 and under £20,000.

2.3 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.

2.4 To receive monitoring reports from the Spatial Planning Review Working Group. To monitor and report on all Warminster based Spatial Planning Issues including Town Settlement Boundary Issues being considered or proposed by Wiltshire Council. The committee will also manage any spatial planning and town settlement boundary proposals 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.

2.5 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.

### **Town Development committee continued**

- 2.6 The committee will agree an annual calendar of town council events and consider requests from outside organisations to use the Lake Pleasure Grounds for their own events. This will include dates and budget cost.
- 2.7 A councillor will be nominated lead member for all major events organised by the town council.
- 2.8 The Mayor and members of the Town Development committee will be invited to attend the debrief reports into town council events in order to ascertain the performance and suitability of the event for future support. All hours worked by staff including the time-off-in-lieu which is taken shall be included in the report.

### **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**

### **Parks and Estate committee**

*The Park and Estates committee manages the park and estate related assets owned or maintained by the town council. These include the Lake Pleasure Grounds, the Pavilion Café, the Boat House, play areas, closed church yards, the War Memorial, the Obelisk and Yeates Meadow, Boreham Cemetery and Ashley Place amenity space, the road sweeper and depot, hanging baskets, the public toilets. The committee manages projects which directly affect these assets and services and requests to use said services or assets. The committee will be responsible for any such similar services that are delegated or devolved from Wiltshire Council including, grass cutting, hedges, shrubs, shelter belts, trees, amenity footpaths, leaf clearance, balancing ponds, fencing, litter picking, litter bins, anti-fly tipping measures, graffiti removal, hazardous waste disposal, markets and roadkill.*

#### **1. Membership**

- 1.1 Seven elected Members
- 1.2 Up to 3 Co-opted non-members.

#### **2. Delegated Business**

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

- 2.1 To form sub-committees or “task and finish” working groups as required. To determine the terms of reference, schedule of meetings and whether the meetings are open or closed to the public.
- 2.3 Agree and manage maintenance contracts and budgets for all assets and services which fall under the remit of the committee. Capital Projects over £20,000 to be referred to full council.
- 2.4 Administration, maintenance and use of all assets and services which fall under the remit of the committee.
- 2.5 Manage projects on all assets and services which fall under the remit of the committee.
- 2.6 Receive petitions and deputations from members of the public or any organisation relevant to the work of the committee.

#### **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

**3.2 Budget estimates, to be prepared no later than September each year.**

3.1 Any matters relating to policies and procedures, protocols, practices, and guidelines, including standing orders and the code of conduct referred to the committee by full council or any committee, sub-committee or working group.

## **Terms of Reference**

### **Highways Advisory committee**

*The Highways Advisory committee considers all issues in the remit of the Local Highways and Footpath Improvement Group*

#### **1. Membership**

- 1.1 Five elected Members.

#### **2. Delegated Business**

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

- 2.1 All issues in the remit of the Local Highways and Footpath Improvement Group
- 2.2 To make referrals to the Local Highways and Footpath Improvement Group necessary following 2.1 above.
- 2.3 To approve any financial contributions to the work of the Local Highways and Footpath Improvement Group.

## **Sub-Committees and Working Groups**

*Sub-Committees and working groups can be set up by Full Council, Finance and Audit, HR, Town Development, Parks and Estate and the Planning Advisory Committee. The appointing committee shall resolve on whether the sub-committee or working group holds open or closed meetings.*

### **1. Membership**

Members can be appointed and so can non-elected members of the public or any other representative from a properly constituted body. Sub-committees and working groups can consist entirely of non-elected or co-opted members if members agree.

### **2. Delegated Business**

The working group is an informal group which has delegated authority to discuss and debate items as specified in their terms of reference as minuted by the parent committee or sub-committee.

- 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 or sub-committee for ratification.

To delegate the power to the town clerk in discussion with the leader of the working group, 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 If requested by the working group a calling note can be put together by the clerk's office in conjunction with the leader of the working group.
- 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 Audit Committee, can co-opt members who are not elected Councillors to assist with the work of their committee.
2. 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.
3. Co-option will not be politically led nor be a vehicle to enlist those parties not represented on Warminster Town Council.
4. 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.
5. Co-opted members will be known as Advisers to the committee.
6. 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.
7. 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 owned or occupied by the council; harbour functions if the council is a harbour authority; any function under section 144 of the Local Government Act 1972 relating to the promotion of tourism; any function under section 145 of the Local Government Act 1972 relating to the management of a festival.

‘Management’ does not include the determination of the total amount of money which may be expended in any financial year by the council in respect of the land or festival.

8. 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.