



# WESTGATE-ON-SEA TOWN COUNCIL

## COMMITTEE TERMS OF REFERENCE AND SCHEME OF DELEGATIONS 2021

Adopted 04.05.2021 Minute Ref 2672 – Review due 05.2022

### 1. Introduction

Committees may exercise delegated functions on behalf of the Town Council under the following terms of reference, subject to: -

The Town Council's approved Budget and Financial Regulations

The Town Council's approved Standing Orders

Any previous minuted decision of the Town Council

Any matters reserved to the Town Council by law

### 2. FINANCE AND GENERAL PURPOSES COMMITTEE

#### **Role of Committee:**

To manage the Council's financial resources, to guide the Council in its strategy and act on policy and operational matters concerned with Council's finances, property, assets, and land.

#### **Membership:**

The Committee shall consist of Up to EIGHT Councillors appointed by the Full Council at the Annual Town Council Meeting each May.

The quorum for a meeting will be a minimum of three Councillor members.

The Town Council Chairperson or Vice Chairperson should be a member of the Committee.

The Committee may not appoint anyone other than Town Councillors to the Committee or any sub-committee.

#### **Meetings:**

The Committee is required to hold meetings at least on a quarterly basis.

The Responsible Financial Officer shall attend all Committee meetings.

There will be no meeting held in August of each year.

#### **Voting:**

All decisions of the Committee shall be determined by majority vote. The Chairperson has the casting vote when there are equal numbers of votes.

#### **Rights and Powers:**

To guide the Council in the formulation of its objectives.

To identify the need for new services and facilities.

To facilitate the organisation and budget provision for Town Council events and initiatives proposed by Full Council.

To manage the Events and Tourism budget agreed each financial year on behalf of Council.

To be responsible for overseeing and controlling the financial resources of the Council.

To ensure adequate financial controls are in place to utilise and protect the Council's finances and assets.

To make provision for future agreed capital projects.

To consider the financial estimates of the Council and recommend the precept to be levied to Full Council for debate and resolution.

To be responsible for overseeing the Council's revenue and capital budget and the works scheduled therein.

To be responsible for the collection of all revenue, the raising and renewal of loans and insurance.

To allocate and monitor reserves to ensure that surpluses are not built up other than for working capital or for earmarked projects and known liabilities, ensuring that sufficient reserves are retained for future maintenance, replacement or upgrading of items for which the Council is responsible

To be responsible for the banking, financial and accounting methods adopted by the Council.

To oversee the management of the provision of allotments.

To enter into legal proceedings on the Council's behalf within the Committee's delegated limit of financial expenditure.

To consider the delegation of appropriate services to the Town Council from other authorities.

To respond to consultations from Government and other bodies that will not admit of delay.

To deal with applications for grants and donation applications

To manage and maintain expenditure for maintenance and determine emergency repairs, safety and upkeep of the Council's land, buildings and premises.

To deal with matters not normally dealt with or specifically referred to other Committees or Sub Committees.

The Committee may appoint an appropriate sub-committee or Working Group(s) to facilitate the work of the committee within their delegated rights and powers.

### **3. EVENTS, TOURISM & DEVELOPMENT SUB-COMMITTEE**

**ET&D is a sub-committee of the F&GP Committee.**

#### **Role of Sub-Committee:**

The purpose of the E,T&D Sub-Committee is not to replace any existing local group, organisation or club, it shall be a conduit to encourage local groups, clubs and community organisations to work in collaboration with the Town Council.

Encourage as many community groups as possible and organisations to be involved in the events, tourism initiatives and improvements identified for the Town

Build, Investigate and identify events for a full year rolling calendar for the Town.

Take responsibility for planning, research, identifying costs and available grants for events for the Town and report back to the F & GP Committee or Town Council on these matters.

Liaise with relevant authorities and organisations to report back to the F & GP Committee or Town Council on these matters.

Identify ways of involving the whole community and gather the views and opinions of as many groups and organisations in the community as possible.

Regularly report back to the Town Council on progress, issues arising and recommendations from the Sub-Committee.

To identify initiatives for boosting tourism in the Town and surrounding area.

To recommend improvements for the Town and how the Town Council can facilitate the implementation with use of funding, sponsorship and grant opportunities.

To work on PR & Marketing initiatives that will promote the Town to local residents and visitors.

#### **Membership:**

There will be a minimum of five Town Councillors nominated by the Town Council; one Chair and Vice-chair position will be filled as voted for by the Sub-Committee.

#### **Defining Roles**

At the first meeting, the Sub-Committee will elect a Chairperson and Vice-chair.

#### **Roles and Relationships**

The Town Council will provide the opportunity for the endorsement of regular reports via its meeting agenda.

#### **Meetings**

E,T&D Sub-Committee meetings will preferably take place every month in the initial set up and this will be reviewed after six months.

At least three clear days' notice of meetings shall be sent to members via the communication method agreed with, and appropriate to each individual member.

The Town Clerk or Nominated Person shall keep a record of meetings and circulate minutes to Sub-Committee members and the Town Council in a timely fashion. Minutes shall be made publicly available on the Town Council website.

All meetings should be open to the public.

A minimum of three members shall be present for decisions to be taken. A simple majority vote will be required to support any motion. The Chairperson will have one casting vote.

### **Working Groups**

The Sub-Committee may establish working groups, made up of volunteers from the community to aid them in any Event and/or Project related work.

Each working group should have a lead person from the Sub-Committee.

### **Finance**

All grants and funding will be applied for and held by the Town Council, who will ring-fence the funds for the Event and/or Project purposes only.

Notification of all planned expenditure will be given to the Town Clerk before actual costs are incurred.

Invoices will be made out in the name of the Town Council who will pay them at their next scheduled Town Council meeting.

There is an Events budget agreed annually by the Town Council. The Sub-Committee has delegated authority from F & GP Committee for the use of £300.00 per annum maximum for incidental expenditure in relation to events, tourism and initiatives.

### **Changes to the Terms of Reference**

This constitution may be amended with the support of at least two thirds of the current membership at a Sub-Committee meeting and with the approval of either F&GP Committee or the Town Council.

## **4. HUMAN RESOURCES COMMITTEE**

### **Role of Committee:**

To manage human resources for the Council, to review, debate and recommend on policy and operational matters concerned with the Council's Human Resources. To manage the Human Resources budget which includes training budget for Members and staff.

**Membership:**

The Committee shall consist of up to FOUR Councillors appointed by the Full Council at the Annual Town Council Meeting each May.

The quorum for a meeting will be a minimum of three Councillor members.

The Committee may not appoint anyone other than Town Councillors to the committee.

**Meetings:**

The committee is required to hold meetings at least quarterly.

There will be no meeting held in August of each year.

**Rights and Powers:**

To review existing staffing related policies to ensure that pay and working conditions are in line with the sector and meet all relevant statutory UK regulations and legislation including amendments and the Council follows good working practices as defined by the Chartered Institute of Personnel and Development.

To authorise Members' attendance at conferences, courses and meetings.

To review staffing levels, draft a staffing strategy, implement, review and monitor strategy to ensure the work of the Town Council is efficiently discharged in consultation with Full Council.

To review recruitment policies to ensure that the council do not discriminate against sex, age, race, colour or disability and that the policies consider both the needs of the job and that of Council.

Research and investigate new HR policies and initiatives for consideration by the Full Council for approval.

To determine pay and contractual conditions of employment and review/update these as necessary to comply with UK Employment Law as well as good practice.

To oversee the Council's pension policy and the criteria required for eligibility.

To oversee and agree the annual appraisal of the Town Clerk through the Chairperson of Town Council, who will conduct regular reviews and the annual appraisal.

Oversee the grievance, misconduct and dismissal procedures and nominate hearing panels to determine decisions as and when required.

To determine the training and qualification policy of the Council and to recommend and oversee all training for employees and Councillors.

To support the Town Clerk in the approval of all staff recruitment, appointment, training and dismissals.

To establish and review performance management;

- (i) The Town Clerk to be responsible for the general staffing appraisals, keeping a written and electronic records
- (ii) The Chairperson, Vice Chairperson and Members of the HR Committee who have undergone training to be responsible for the Clerk's appraisal, keeping a written and electronic record.

To establish the health, safety and welfare policies of the Council and oversee implementation and compliance.

To monitor the leave and absences of employees in order to address any regular or sustained staff absences.

To ensure all disciplinary and grievance policies are dealt with in line with the Council's procedures.

One Member of the committee may be invited to sit on the Appeals Committee if and when required; Appeals will be decided by Council.

To manage the Human Resources budget including the training budget for Members and the staff of the Town Council.

## **5. APPEALS COMMITTEE**

### **Role of Committee:**

To act as an independent appeals committee.

### **Membership:**

The Committee shall consist of THREE Councillors, advisable to include the Chairperson of the Council and to include one from the Human Resources Committee appointed by Council as and when required.

The quorum for a meeting will be a minimum of three councillor members.

### **Meetings:**

The committee will meet as and when required.

### **Rights and Powers:**

To hear and determine all matters of appeal concerning employees.

## **6. PLANNING, HIGHWAYS AND ENVIRONMENT COMMITTEE**

### **Role of Committee:**

The Committee role is to consider, decide upon and make recommendations on

- planning application consultations sent by Thanet District Council and any other authorities.

- Statutory and non-Statutory planning policy documents from whatever source.

The Committee role is to consider and make recommendations on

- To debate and recommend strategy and action on any matters related to highways and by-ways of Westgate on Sea or highways or by-ways that directly affect the Town
- To debate and recommend strategy and action on any matters related to the general environment and environmental sustainability of Westgate on Sea

### **Membership:**

The Committee shall consist of up to SIX Members appointed by the Full Council at the Annual Town Council Meeting each May.

The quorum for a meeting will be a minimum of three Councillor members.

The Committee shall elect its own Chairperson and Vice-Chairperson once a year on the meeting immediately after the ATCM of Full Council or on an election year at the first scheduled meeting.

### **Meetings:**

All meetings shall have minutes taken by the Town Clerk or other nominated employee and conducted in the manner as prescribed for Full Council meetings in the Westgate on Sea Town Council Standing Orders as in force at the time.

On the first meeting in an Election Year the Committee will review their Standing Orders and Terms of Reference. They will then report back to the next Full Council meeting on any changes they feel are necessary and ask for those changes to be ratified by Full Council.

The Committee will meet monthly except for August each year.

### **Rights and Powers:**

The Committee can ask any member of the public, company, or organisation they think will be of benefit to the decision making of The Committee to give evidence to The Committee.

- The Committee will perform the following on behalf of Full Council;
  - Scrutinize all planning applications made within the area covered by Westgate on Sea Town Council.
  - Scrutinize any planning applications that are on other areas, but which may impact on the area covered by Westgate on Sea Town Council.
  - Make recommendations on behalf of Full Council, as to whether the application should be;
    - i. Supported (with or without comments);
    - ii. Objection (with comments);
    - iii. No Objection offered or

iv. Called In (this can only be undertaken by a District Councillor).

\* DEVOLVED AUTHORITY – Where the Planning Application is subject to time constraints for comments which mean that a meeting will not be held before the deadline for comments then the Chairperson and Vice Chair have the authority of Full Council to do any of the following through the Clerk;

- a. Call an Extra-Ordinary Meeting of the Planning, Highway and Environment Committee to consider the matter.
- b. Ask any District or County Councillor (as appropriate) to “Call In” the application.
- c. Make representation to the relevant authority requesting an extension to the consultation dates.
- d. Ensuring they comply with any Planning Policy of Westgate on Sea Town Council, make a response on behalf of Westgate on Sea Town Council, reporting such response to the next available Full Council Meeting.

- The Committee will carry out any site visits through and with the Clerk it feels are necessary to assist it in its deliberations.
- The Committee will provide an overview to the Full Council monthly if matters warrant their attention.

## **7. NEIGHBOURHOOD PLAN STEERING GROUP**

### **Role of Committee:**

The purpose of the Steering Group shall be to support the Town Council to carry out the following tasks:

Investigate and identify support for the Neighbourhood Development Plan

Identify sources of funding.

Take responsibility for planning, budgeting and monitoring expenditure on the Neighbourhood Development Plan and report back to the Town Council on these matters.

Liaise with relevant authorities and organisations to make the Neighbourhood Development Plan and report back to the Town Council on these matters.

Liaise with relevant authorities and organisations to make the Neighbourhood Development Plan as effective as possible.

Identify ways of involving the whole community and gather the views and opinions of as many groups and organisations in the community as possible.

Gather data from a wide range of sources to ensure that the conclusions reached are fully evidenced.

Be responsible for the analysis of the survey, as well as the production and the distribution of the final report, subject to ratification by the Town Council.

Identify priorities and timescales for local action in the Project Plan, including the lead organisations and potential sources of project funding.

Regularly report back to the Town Council on progress, issues arising, outcomes and endorsement of decisions taken.

### **Membership:**

The steering group will be made up from a good cross-section of the community, including Town Councillors nominated by the Town Council. Effort will be made to seek representation from under-represented sections of the community.

Membership of the Steering Group will be open to the public indefinitely.

### **Defining Roles**

At the first meeting, the Steering Group will elect a Chairperson and Finance Co-ordinator. If these positions should become vacant, the Group will elect an alternate.

### **Roles and Relationships**

Westgate-on-Sea Town Council insurance will cover the previously agreed activities of the Steering Group and volunteers, but Steering Group members, in liaison with the Town Clerk, need to ensure that terms of the insurance are not breached.

Town Councillors who are also members of the Steering Group will act as a liaison between the two bodies and provide a regular report to the Town Council, for endorsement.

The Town Council will provide the opportunity for the endorsement of regular reports via its meeting agenda.

It is expected that all Steering Group members abide by the principles and practice of the Town Council Code of Conduct including declarations of interest.

Whilst members as individuals will be accountable to their parent organisations, the Steering Group as a whole is accountable to the wider community for ensuring that the Plan reflects their collective expectations.

### **Decision Making**

The Steering Group is established as having full delegated authority from the Town Council to deliver its plan-making functions up to and including publication of the Consultation Draft Plan. The group will report monthly to the meeting of the Full Town Council setting out progress on its work. The Town Council will approve the Submission Draft Neighbourhood Development Plan prior to publication for consultation and independent examination.

The plan making process remains in the control of the Town Council as the qualifying body. All publications, consultation and community engagement exercises will be undertaken by or on behalf of the Town Council with appropriate recognition of the Town Council's position given in all communications associated with the project.

### **Meetings**

Steering Group meetings will take place at least every month.

Where possible, all meetings should be held within Westgate-on-Sea.

At least three clear days' notice of meetings shall be sent to members via the communication method agreed with, and appropriate to each individual member.

Whenever possible, notices of meetings should detail the matters to be discussed.

The Chairperson and Town Clerk shall keep a record of meetings and circulate notes to Steering Group members and the Town Council in a timely fashion. Minutes shall be made publicly available on the Town Council website.

All meetings should be open to the public.

Decisions made by the Steering Group should normally be by consensus at Steering Group meetings. Where a vote is required each member shall have one vote. A minimum of three members shall be present for decisions to be taken. A simple majority vote will be required to support any motion. The Chairperson will have one casting vote.

Copies of the Town Council's Code of Conduct will be available at all Neighbourhood Planning meetings.

### **Working Groups**

The Steering Group may establish working groups, made up of volunteers from the community to aid them in any Neighbourhood Plan related work.

Each working group should have a lead person from the Steering Group.

### **Finance**

All grants and funding will be applied for and held by the Town Council, who will ring-fence the funds for Neighbourhood Development Plan purposes only.

Notification of all planned expenditure will be given to the Town Clerk before actual costs are incurred.

The Finance Co-ordinator will report back to the Steering Group and the Town Council on planned and actual expenditure for the project.

Invoices will be made out in the name of the Town Council who will pay them at their next scheduled Town Council meeting.

Members of the community who are involved as volunteers with any of the Working Groups may claim back any previously agreed expenditure that was necessarily incurred during the process of producing the Neighbourhood Development Plan.

### **Changes to the Terms of Reference**

This constitution may be amended with the support of at least two thirds of the current membership at a Steering Group Meeting and with the approval of the Town Council.

### **Dissolving the Steering Group**

At the conclusion of the Neighbourhood Development Plan project the Town Council and Steering Group should discuss the future working of the Steering Group. If the Steering Group wishes to dissolve it must notify the Town Council.

## **8. COASTAL COMMUNITY TEAM**

### **Role of Working Party:**

The Secretary of State for Communities and Local Government has agreed to the request of Westgate-on-Sea Town Council to create a Coastal Community Team. The Team will advise and support the Town Council in its efforts to regenerate the town.

### **Membership:**

The Team will consist initially of:

ONE Town Councillor as chairperson, and representatives of: Shops and small businesses, schools and young people, churches, Residents' Association, Westgate-on-Sea Heritage Centre, Conservation Area Action Group.

Other members may be co-opted, in particular those working on other planning processes.

### **Meetings:**

Meetings should be held as and when required but normally every quarter.

Decisions should normally be by consensus at meetings. Where a vote is required each member shall have one vote. A minimum of three members shall be present for decisions to be taken. A simple majority vote will be required to support any motion. The Chairperson will have one casting vote.

Copies of the Town Council's Code of Conduct will be available to all members.

### **Rights and Powers:**

Help to re-energise and galvanise the community of Westgate-on-Sea, bringing together the various business and commercial, community and other relevant organisations

Draw up an economic plan for Westgate-on-Sea, in accordance with DCLG guidance, and in co-ordination with other planning initiatives such as the Neighbourhood Plan; - Identify, examine and make proposals for measures and projects to help revive the economy of the town, and to cater for the needs of the residents young and old; - Develop partnerships with other Teams in Thanet, and other organisations with a role to play in the town's regeneration.

The Team will pay special attention to informing and involving the wider community in its work, through reports and appropriate initiatives such as visits to schools and retirement homes.

The Council will review the Team's activities each year, on the basis of a report from the Team.

## **9. ALLOTMENTS WORKING GROUP**

### **Membership:**

- The Allotments Working Group shall consist of up to TWO Councillors and FIVE Allotment Holders to represent the tenants of the allotment garden.
- All Councillors and members of the Working Group will receive notification by email for the dates for meetings at least three clear working days in advance, including Agenda and any other relevant papers for the Working Group meeting.

### **Procedures**

- The Allotments Working Group will operate in accordance with Local Government law and in accordance with the Council's Standing Orders.
- At the first meeting of the Working Group the Group shall elect a Chairperson and Vice-Chairperson for the forthcoming year from amongst the Group membership. The Chairperson and Vice-Chairperson may be re-elected in subsequent years.
- The Group will submit minutes of meetings to the next Council meeting and seek approval for recommendations made.
- The Town Clerk or designated officer shall provide administrative support for the Group.

### **Frequency of Meetings:**

- The Group shall normally meet every two months in January, March, May, July, September and November unless varied by the agreement of the Group.

### **Functions:**

- To consider any issues relating to the management of land and facilities within the boundary of the Allotment Gardens.

- To discuss and make recommendations to the Council on matters delegated to the Allotments Working Group, currently: -
  - Allotments management – to recommend levels of fees and charges for the letting of the allotments at Lymington Road
  - To ensure that all plots are cultivated and maintained on a regular basis, any new tenants to have at least 50% of their plot cultivated to within a period of six months.
  - To advise the Town Clerk if any plots are not meeting the recommendations of the National Society of Allotments and failing to operate under a thirty-day non-cultivation system; in this instance the Town Council may elect to serve notice which could result in the tenancy being terminated if neglect is still evident.
  - To ensure all rules relating to the Allotment Gardens on Lymington Road made by the Town Council are upheld.
  - The Chairperson of the Allotment Working Group and two representatives including 1 Councillor preferably shall undertake regular inspections of the Allotment Gardens and provide the Group with a report at the next meeting.

#### **Rent**

- All payments for rent for an Allotment Garden will be administered by the Town Clerk or representative, to be paid annually in advance on receipt of an invoice, within a period of 21 days. The annual invoices are generally sent out when the tenancy expires at the end of September each year.

### **10. SUBSTITUTION**

Where an ordinary Member of a Committee cannot attend a Committee meeting a substitute Member may be proposed and communicated to the Town Clerk in writing by the ordinary Member at least 2 days with the agreement of the substitute Member before the meeting takes place, the appointment of the substitute if agreed by the Committee Members of the meeting to be permitted voting rights for that meeting.

### **11. DELEGATIONS**

#### **(a) General**

Where powers of duties have been delegated to a Committee it shall be competent for that Committee in turn to assign functions or delegate powers and duties to the Town Clerk provided that any action taken under delegated powers by the Town Clerk shall

be reported to the next meeting of the appropriate committee or sub-committee (or Council) for information.

A committee may set up a working group to investigate, consider and report back with recommendations on any issue.

Any power or duty which is delegated under this scheme is subject to Town Council policy and the approved budget and may also be exercised by the Town Council or any Committee which has delegated or further delegated that power or duty.

**(b) Chairperson's powers**

The Town Clerk may, in consultation with the Chairperson of the Council, on the Council's behalf deal with, decide or take action on such matters as will not admit of delay, subject to a report indicating such action being submitted to the next meeting of the Council.

**(c) Delegation to the Town Clerk**

The following list of delegations to the Town Clerk may, from time to time, be further delegated to the Council's officers at the discretion of the Town Clerk.

To be and carry out the functions of the Proper Officer under the Local Government Act 1972

To arrange and call meetings of the Town Council and its Committees and Sub-Committees; and to implement decisions thereof.

The general management of the Council's services in accordance with the policies determined from time to time by the Council and its Committees, including dealing with correspondence and handling complaints and requests for information.

The management of the Town Council's facilities.

The initiation of new arrangements and revision of existing arrangements for the improved management of Council establishments providing the estimated cost has been included in the current revenue budget.

The determination of the use of existing office accommodation, the purchase of equipment and the authorisation of repairs and maintenance to all buildings and equipment within the financial limit of the current revenue budget.

The implementation of non-discretionary adjustments to the Scheme of Conditions of Service of the National Joint Council

The appointment, management, development, appraisal and discipline of employees.

The delegation of staff to attend courses, seminars etc. relevant to their position with the Council

Any action necessary in an emergency to protect the Council's property or assets or minimise its liabilities, subject to consultation where practicable with the Chairperson and to report back to the next appropriate Council meeting.

**(d) Further Delegations**

The Council may from time-to-time further delegate action to the Town Clerk. Such delegation will be clearly minuted and revised accordingly.

**(e) Delegations to the Responsible Financial Officer**

To be the Responsible Financial Officer for the purposes of section 151 of the Local Government Act 1972 and carry out the functions of the Responsible Financial Officer under the Local Government Act 1972, including the maintenance of the Council's accounts, arrangements for internal audit and the preparation of budget estimates for the forthcoming year.

To make arrangements to pay the salaries and wages of employees of the Council.