

The Parish Council and Committees of the Council – Terms of Reference

The Parish Council is a **corporate body** with a legal existence of its own quite separate from that of its members. Its decisions are the responsibility of the **whole body**. The Council has been granted powers by Parliament and is an elected tier of local government. It can be taken to court and, **as a body**, is responsible for its actions. **No individual** Councillor can undertake any action or enter into any agreements with third parties without the **prior** consent of the whole Council.

All members of the Council will normally be expected to serve on at least two of the committees appointed by the Full council to carry out the day to day running of the various amenities that are the administrative responsibility of the parish.

No Committee has any delegated powers, apart from the Planning and Conservation Committee and **all** recommendations must be considered and adopted by the **Full Council**, unless specific authority is granted by the Full Council to a sub-committee to make a decision

The Chairmen of each Committee will be appointed at the Annual Council Meeting in May, apart from the Finance & Governance Committee which is chaired by the Council Chairman. Vice Chairman will be appointed at the first meeting of the Committee.

Chairmen of the committees are reminded that at the Full Council meeting on the last Thursday of the month, the minutes of their committee are for ratification only. Please remember that only recommendations need to be mentioned followed by questions from other members as required.

All councillors should attend meetings on time as a matter of courtesy. If a councillor knows that he/she is going to be late the Clerk needs to be informed (there is an answer phone in the office). The Clerk must be informed of any apologies so that it can be established if there will be a quorum. Apologies should be submitted either in writing, by telephone or at a previous meeting, prior to the date of the meeting and a reason for non-attendance given. Also any councillor wishing to leave a meeting early should inform the Clerk or Chairman at the beginning of the meeting.

Councillors conduct at meetings – Councillors are reminded that they should speak through the Chair to avoid undue discussions outside the agenda item and must abide by the Code of Conduct at all times. Full Council meetings are formal events and all councillors are expected to attend.

For items that are contentious or an important major policy making issue, all councillors should attend when requested. No councillor should leave the meeting for any reason as voting on these issues is of primary importance.

If a Parish Councillor attends either a meeting of the Wiltshire Council Planning Committee or other outside body, that Councillor should not

represent two opposing views. If there is a conflict of interests, an alternative representative should be sought to present the opposing point of view unless there is no-one else available to do so. This will apply to all Councillors and Committees

The committees of the Council are as follows:

1. **Box Hill & Rudloe Open Spaces Committee:**

- responsible for the management of the eleven acres of land which were purchased for the use of the whole parish.
- The committee should include the members for the Box Hill Ward and can include non-councillors who reside near the common and are interested in assisting in its management. The non-councillors would not have voting rights.
- Committee Chairman to liaise with the Open Spaces Groundsman and Open Spaces Groundsman's Assistant insofar as it affects Box Hill Common and Lacy Wood and also the Volunteer Working Group set up to help with the management of the Common.
- This committee will also have responsibility for the management of the play area and football posts at Rudloe for any other issues which arise concerning Rudloe.
- The committee will regularly review the budget and include any items for future expenditure in the Forward Plan

2. **Cemetery Management Committee**

- responsible for the upkeep of the Cemetery including the Lodge, Chapel, boundary walls and gates and also the War Memorial situated on the main A4.
- Responsible for the management of all labour employed in connection with the maintenance of the Cemetery. Monitoring the work carried out and regular review of the management contract
- To monitor the overall condition of the Cemetery including hedges, trees, state of graves etc
- To regularly review and set the charges for interments, memorials and use of the Chapel.
- The Clerk is responsible for arranging funerals, marking out graves etc and completing the necessary burial records
- The Chairman of the Cemetery Management Committee must familiarise themselves with the process for interment, applications for headstones, burial records etc to enable funerals to be carried out during the Clerk's absence
- Reviewing applications made for the erection of headstones and cremation tablets on the graves
- The Clerk will turn the Book of Remembrance in the Chapel to display the entries for the relevant dates. At weekends, or when the Clerk is not available the Committee Chairman will carry this out.

- To carry out regular health and safety checks on all the graves and headstones to establish stability and other issues
- In the summer months the Committee will walk round the Cemetery to check condition and raise any issues of Health and Safety
- To regular review the budget and include any items for future expenditure in the Forward Plan

3. **Highways Committee**

- The Parish Council has no powers relating to Highway issues. These are the responsibility of the Wiltshire Council Highways department.
- The Committee is responsible for bringing any issues relating to highway safety or improvement to the Local Highway and Footway Improvement Group (LHFIG) and to raise any issues relating to drains, potholes etc with Wiltshire Highways.
- To report any minor issues ie dirty or broken road signs, potholes, vegetation overhanging the highways etc to the Parish Steward or to Wiltshire Council via MyWilts App.
- To forecast any contributions that may be payable by the Parish Council for any works requested. and to include these in the Council budget. Any costs for improvement works will need to be agreed by the Full Council prior to asking for the works to be carried out.
- Members of this committee will represent the Council at the quarterly meetings of the LHFIG and will report any issues arising from these meetings to the Full Council.
- This committee is also responsible for the management of over 104 footpaths, bridleways and rights of way in the parish, striving to keep them clear and viable
- It will notify WC of defective stiles, signs or infringements by users or landowners. A Cotswold Warden can also sit on the committee.
- To regularly review the Forward Plan to include any items of expenditure that would need to be considered when setting future budgets.

4. **Planning and Conservation Committee:**

- This committee has delegated powers to make decisions on the applications and notify these decisions to Wiltshire Council without ratification by Full Council
- responsible for making comments and recommendations to the Wiltshire Council Planning Authority on behalf of the Parish Council on all Planning applications within the parish, taking into account the Local Green Belt Policy and the AoNB. The Committee will also take into account the terms of the Climate Change Action Plan when making its comments.
- The Wiltshire Council makes the decisions on all applications.

- This committee also considers any matters relating to the conservation area and the planning environment in general.
- The Neighbourhood Plan Steering Group will report to this committee.
- The Committee oversees the maintenance of the Blind House; Fountain; Viewing Platform; The Pound and the War Memorial and all notice boards, bus shelters and grit bins.

5. **Playing Fields Management Committee:**

- responsible for the 10.5 acre Recreation Field, including play equipment on the Recreation Ground, tennis courts and all other facilities. Representatives from the Allotment Group, Bowls Club and other community groups are invited to sit on the Committee to discuss issues relating to their groups
- Committee Chairman to liaise with the Open Spaces Groundsman and Open Spaces Groundsman's Assistant insofar as it affects the Recreation Ground.
- In the summer months the committee meets on the Recreation Ground for a walkround prior to the meeting.
- To consider any applications made for the use of the Recreation Ground
- The Committee will appoint Councillors to be the lead on the play equipment; and the Lovar Garden

6. **Buildings Management Committee**

- This Committee is responsible for the management and maintenance of the pavilion, Parish Council offices and the overseeing of the Jubilee Youth Centre together with the Tractor Shed
- To oversee the lettings for the Pavilion, which are managed by the Clerk, and to set the charges for letting accordingly.
- The Committee will comprise members of the Parish Council together with representatives from the user groups and the Jubilee Youth Centre Management Committee who can attend to raise issues relating to their use of the building. The non-councillors would not have voting rights

7. **Personnel Committee**

- This committee comprises the Parish Council Chairman together with the Playing Fields & Pavilion Committee Chairman, the Box Hill and Rudloe Committee Chairman and the Building Management Committee Chairman and one other Councillor with an experience in dealing with Personnel.
- The Committee will be responsible for all matters relating to Council personnel including staff appraisals, salary negotiations, disciplinary matters etc.
- The Committee will also be responsible for managing the PPE for staff and for overseeing and replacing all tools and equipment used by members of staff. The assets under this

Committee include the electric mower, Kawaski mule and trailer, shredder and all other tools and equipment

- The Minutes of the meeting are available to members of the public but any reports relating to specific members of staff will remain confidential

8. **Finance and Governance Committee:**

- This committee comprises the Chairman and Vice Chairman of the Council and the Chairmen of all the above committees plus one other Councillor and will carefully monitor the Council's budgets and expenditure.
- It will review and draw up any policies relating to the Governance of the Council which will be submitted to Full Council for agreement.
- Monitor all legal matters relating to the Council including all leases, agreements and licences.
- To agree any accounts for payment. In the months that there is no meeting the Clerk will circulate the accounts for payment to all Committee members for their agreement.

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All Committees:

- All Committees to monitor their budgets and include any items for future expenditure in the Forward Plan.
- All Committees to abide by the terms of the Council's Climate Change Action Plan when making decisions
- All Committees to review any policies that relate to their specific Committee
- All Committees to review and update the Risk Assessments on a regular basis

Where committees have set members, and these committees have been delegated certain functions under section 101 of the Local Government Act 1972, for all but confidential business, they are open to members of the public. Other members of the council who are not members of the particular committee are free to attend any such committee meetings but for these meetings have the same role as members of the public. They are not members of the committee and therefore not permitted to take part as a member. They may ask questions as members of the public may, during an allotted time.

Responsibility of Chairman and Committee Chairmen

1. **Council Chairman**

- The Council Chairman will chair the main Full Council meetings and be Chair of the Finance & Governance Committee.
- The Chairman is in charge during Council meetings and must command respect.
- Chairman should involve all councillors in discussion. In law, the chairman has few special powers. It is unlawful for a council to delegate decision making to any individual councillor and the chairman

is no different. However, when a vote is tied, the chairman has a second, or casting vote, ensuring that a decision can be made. It is good practice for the Chairman to refer to the Clerk for advice.

- The Chairman should liaise with the Clerk on a day to day basis to keep abreast of all Council issues. It is advisable for the Chairman to meet with the Clerk prior to Full Council and Finance & Governance meetings.
- The Chairman should also be familiar with the work of the Clerk, particularly the procedure for Burials, financial matters etc and should be aware of the procedure to deal with unplanned absence of a member of staff.
- The Council Chairman should be prepared to attend all the Council and Committee meetings. When the Chairman attends meetings of Committees to which they have not been formally elected, they will do so in an Ex Officio capacity and with non-voting rights.

2. **Committee Chairmen:**

- The Committee Chairmen should liaise with the Clerk prior to a Committee meeting to draw up the Agenda for the meeting and to be up to date with issues which might arise during the meetings.
- In particular, the Cemetery Management Committee Chairman must be fully aware of the procedure for any interments and be able to deal with this in the Clerk's absence.
- The Pavilion and Buildings Management Committee Chairman must be fully aware of the procedure for dealing with the Pavilion bookings and be able to deal with this in the Clerk's absence. The Chairman must check the Pavilion at least once every two weeks to pick up any issues that can be addressed.
- The Playing Fields Management Committee Chairman should meet regularly with the Open Spaces Groundsman and the Open Spaces Groundsman's Assistant and carry out regular inspections of the Recreation Ground.
- The Planning Committee Chairman must have a sound knowledge of the entirety of the Parish and a comprehensive knowledge of the Green Belt, Area of Outstanding Natural Beauty, Limit of Development and the Conservation Area and will need to read and understand the Core Strategy and be familiar with the core policies affecting the parish. The Chairman should also be aware of the various types of planning applications. The Chairman should liaise with the Clerk on a regular basis and be willing to go and look at the sites for the planning applications as they are received.
- The Box Hill & Rudloe Open Spaces Committee Chairman should meet with the Open Spaces Groundsman and the Open Spaces Groundsman's Assistant on a regular basis to discuss the management of the Common and surrounding areas.

Vice Chairmen:

- In the absence of the Committee Chairman at a meeting, the Vice Chairman would chair that meeting. In the event of the Chairman of a Committee resigning, the Vice Chairman would automatically take over the role of Chairman, and a new Vice Chairman be elected, until the next Annual Council meeting.

Role of the Parish Clerk

The Clerk provides advice and administrative support to the Council and takes action to implement Council decisions. The Clerk may have to act as a project manager, personnel director, public relations officer and finance administrator. The Clerk is not just a secretary and is not at the beck and call of the Chairman or other councillors – the Clerk is answerable only to the Council as a whole. The Clerk is the Proper Officer of the Council in law and is the Council's Responsible Financial Officer. The Clerk will be responsible for giving sound legal advice to the Chairman, Committee Chairs and Parish Council. The Parish Council can vote to disregard this but the Clerk should note in the Minutes that legal advice had been given but had been ignored.

Legally Councils can agree to delegate decisions to clerks because they are professional officers whose independence allows them to act on behalf of the Council.

Tasks to be carried out by the Clerk are determined by Council and committee minutes and the Council's policies and procedures.

The Clerk will attend all Council and Committee meetings and be responsible for drawing up the Minutes from the meetings. In the absence of the Clerk for a committee meeting (when the Clerk is on leave or off sick) the Chair is responsible for identifying who will take the minutes (draft minutes to be checked and approved by the Chair of the Committee) and then forward these to the Clerk.

Chairs of all committees need to liaise, meet (or effectively communicate by phone/email) with the Clerk at least a week prior to the date of their particular committee meeting to go through the agenda and any issues/correspondence, budget etc and ensure that the Clerk has all the relevant documents for the meeting.

After committee meetings the Chairs of the Committee to go through the Minutes and update the Forward Plans with any relevant information.

The Chairs of Committee to provide the Clerk with their provisional Committee budget figures by the last week of October. The Clerk would be willing to meet with the individual Chairs to help go through the budget figures prior to the budget meeting held in November.

The Clerk is the line manager for the other members of staff and has direct responsibility for giving directions and overseeing their work patterns.

The best councils will have a clerk and councillors who work as a team to provide a service for the community.

Reviewed: February 2023

To be reviewed: