

## **Terms of Reference to Committees – All to be reviewed annually**

**23 May 2023**

1. The Full Council shall meet on the first Tuesday of each month to discuss their normal business and receive any reports from Committees. The Annual Parish Meeting takes place in March and the Annual General Meeting of the Parish Council in May each year.
2. REPRESENTATIVES OF OUTSIDE BODIES shall report to the Council on a monthly basis at the Full Council meeting.
3. The meeting cycle shall be published at the start of each calendar year, should there be a need to change the dates for any reason to deal with urgent business or cancellation due to a lack of business, or being inquorate, notification will be sent via the Parish Clerk.
4. The Parish Clerk shall liaise regularly as appropriate with the Chairman and/or Vice Chairman of each Committee as deemed necessary, for the smooth running of meetings and/or preparation of agenda.
5. Terms of reference of each Committee are a guide to Members of their overall responsibility in order to avoid duplication between Committees and the Full Council.

**FULL COUNCIL = GENERAL FINANCE:** *The Full Council will deal with all monthly financial matters which arise, including (but not limited to) the following.*

6. The Parish Clerk as Responsible Finance Officer (RFO) shall provide regular reports to members.
7. The appointed Internal Auditor (David Wright) will give independent reports to members, to receive and implement any recommendations as appropriate.
8. To receive External Audit report and implement any recommendations accordingly.
9. The Income and Expenditure will be constantly monitored and provide guidance when setting the annual Budget; receiving recommendations from ALL Committees in October (November may be agreed between RFO & committee by arrangement). If no such recommendation received, then the Clerk/RFO will suggest a sum based on past and future activities of each Committee. The Finance & Governance Committee will review.
10. Virement within Committee budgets is at the discretion of the Full Council.
11. The Council's Policies will be reviewed on a regular basis.

**ALL COMMITTEES** *Generic terms of reference for ALL Committees are as follows:-*

12. All Committees can make recommendations to the Full Council on any changes to the delegated authority approved as the terms of reference.
13. All Councillors can make a request to a Committee to refer an agenda item to full Council; providing they do not have a pecuniary interest in the issue.

14. All Councillors are entitled to attend Committee meetings as non-voting members of the public. Non-Committee Councillors can speak on a specific item on the agenda only at the discretion of the Chairman by prior notification.
15. All Committees have full decision-making powers, (ie. Delegated Authority) unless their specific terms of reference state otherwise.
16. All Committees have the power to spend within the agreed budget and be responsible for monitoring during the financial year.
17. Additional expenditure not within the Committee budget must be referred to the Full Council for approval, unless this is funded from income generated by the Committee, in which case the Committee would have the power to spend within the extended budget.
18. All Committees have the option of referring any issue to the Full Council for an opinion before making a decision, or deferring the decision to the Full Council.
19. All Committees can co-opt non-Councillor members in an Advisory capacity i.e. no-voting. (See no. 20 below.) All Advisory non-voting members shall be entitled to participate in any open debate, but shall not participate in any confidential discussions.
20. The only exception to no. 19 above is that non-Councillor members may be appointed and have a vote in just four cases; they are: 1) Management of land, 2) Harbour functions if the Council is a Harbour Authority, 3) Tourism functions, 4) Management of a festival.
21. All Committee members must complete a Declaration of Register of Interests; this includes non-councillors.

**PLANNING COMMITTEE:** *(To be decided if to remain as Full Council (2023/24) or a Committee. If a Committee, then the quorum is half of the members.)*

22. The Full Council/Planning Committee to meet monthly (or as and when required), to ensure that comments are returned to North Norfolk District Council within the 21 days' consultation cycle, \*unless the Clerk can obtain an extension to respond.
23. The Parish Clerk will advise every member of the Full Council/Planning Committee of each new planning application as and when they are received, due to the \*21-day deadline. Every member should view the application online well in advance of the Full Council/Committee meeting.
24. The Full Council/Planning Committee could decide to call a site meeting to discuss the merits of a planning application during the consultation process, so long as they still respond within the \*21-day period, hence to need to view the applications on line before coming to the Full Council/Planning Committee meeting. Any member wishing for a formal site meeting must advise the Parish Clerk in the first instance.
25. The Full Council/Planning Committee should where possible try to gather public opinion for planning applications prior to considering the application at a meeting, not after the meeting.
26. If a Planning Committee is formed, then delegated authority is given to the Planning Committee to consider and comment on ALL planning applications, all Pre-Application

discussions with prospective developers, conduct Section 106 & Section 38 legal agreement negotiations and infrastructure issues for future or on-going planning applications.

27. Individual Councillors can make a request to the Planning Committee to 'call in' a specific Planning Application which they feel should be dealt with by the Full Council; providing they do not have a pecuniary interest in the application.
28. In the majority of cases most Planning Applications will be dealt with at Planning Committee (if there is one) meetings but there could be issues or applications where the Planning Committee may wish to refer an application to a Full Council meeting.
29. The Committee can delegate a Member or Parish Clerk to represent the Council at a North Norfolk District Council Planning Committee meeting, to give the agreed comments and answer questions on a specific planning application.
30. Similarly, the Local Planning Authority, North Norfolk District Council may organise site meetings at which the Parish Council may wish to be represented, this task is delegated to the Planning Committee to ensure that representation (if required) takes place.

**FINANCE & GOVERNANCE COMMITTEE:** *Has Delegated Powers to set and agree the Budget. 6 Members ideal. Quorum would be 3.*

31. Will meet in order to form and agree a **Budget** in November/December and to propose a **Precept** for consideration by the Full Council at the same or a following meeting.
32. Will meet at any other time as need be or as the committee sets out, or as directed by Full Council.

**PERSONNEL/DATA PROTECTION COMMITTEE:** *Has Delegated Powers. 6 Members needed. The Quorum is 3.*

33. **Personnel Meetings** will be held as and when required in order to undertake any employment related issues as deemed appropriate by the Personnel/Data Protection Committee or circumstances determine. All meetings shall be Clerked by the Parish Clerk or in absence of the Clerk, a covering Locum Clerk.
34. Personnel Committee meetings are NOT open to the public and press, by resolution of the Council as publicity would prejudice the public interest by reason of the confidential nature of the business (Public Bodies - Admission to Meetings act 1960). *N.B. One resolution of the Council can determine this at the approval of the Terms of Reference, i.e. that all Personnel Committee meetings are not open to the public.*
35. The overall purpose of this Committee is to effectively and efficiently discharge the Council's duties as an employer. This Committee has full delegated authority to act except with increasing an agreed salary budget approved by Full Council, or making a decision that is contrary to a Council Policy.
36. Non-Committee members may NOT attend the Committee meetings; however, they are entitled to read through Personnel Committee minutes which are available at the Parish Office (by appointment) but not in the public domain. A brief verbal report will be given to Councillors under 'Confidential Business' at all full Council meetings. Non-committee members are not entitled to confidential papers, but may be given additional background information on some Personnel issues at the discretion of the Parish Clerk. ALL Councillors

are duty bound to comply with confidentiality in relation to the Data Protection Act and the Council's collective overriding duty as an employer.

37. The following list of tasks is to be worked through in conjunction with the Parish Clerk as Head of Staff.
38. To undertake hearings Disciplinary and Capability matters in accordance with the Council's Grievance and Disciplinary Procedures;
39. To deal with Disciplinary and Capability matters to a final conclusion, only reporting to Council when the time for any appeal has passed;
40. To carry out the Appraisal of the Parish Clerk, currently on a 2 yearly cycle as previously agreed.
41. To review, approve and monitor the Terms and Conditions of Service and Salaries;
42. To consider any appropriate changes to staffing levels;
43. To consider Staffing Reviews;
44. To work with the Parish Clerk and oversee the recruitment and selection of Staff as appropriate;
45. To review, approve and monitor Employment Documentation, Job descriptions, Person Specifications and monitor Contracts of Employment.
46. To consider any other matters delegated to the Committee by the Council. The Personnel Committee shall make recommendations to the Full Council for the following:
  - Any actions incurring expenditure over and above agreed budgets.  
Salary budget for the forthcoming year for consideration by the Council, where there are significant changes.
  - Permanent appointments following satisfactory probationary periods.
47. **Data Protection** – meetings will be held at least once a year, and are open to the public, so if an agenda is to cover Data Protection items and Personnel, the Data Protection items should come first.
48. The committee will be made up of 6 members of the Parish Council, including the Chairman and Vice Chairman. There will be no ex-officio members.
49. The committee aims to determine the purpose and manner of processing data according to the law, and ensure that if the council appoints a Data Protection Officer (DPO), that they have no conflict of interest, ensure that Councillors and staff receive ongoing and appropriate training for Data Protection, conduct a survey of the Information Audit, Privacy Notices, and any Risk Management to ensure compliance with Data Protection. (NB: Given the Governments amendment in April 2018 to its own Data Protection Bill to exempt all Parish & Town Councils in England from having to appoint a Data Protection Officer (DPO) under the General Data Protection Regulations, BPC has approved our Clerks request to be removed as the named DPO.)
50. Receive any reports from of any manifestly unfounded requests and confirm action to be taken. Receive reports of any investigation of breaches which might need to be undertaken.

Annually review the GDPR policy and to recommend any changes to the Standing Orders in respect of Data Protection.

51. This committee will recommend to Council any changes which may be required to the Job Description and Contract of Employment for the Clerk.
52. The Committee does not have its own budget, but will recommend any budgetary needs to the Council in respect of the administrative and staffing costs to implement and maintain Data Protection requirements.

### **NEIGHBOURHOOD PLAN STEERING GROUP** *(Summary of terms as were adopted.)*

53. The main purpose of the NPSG is to develop and oversee the preparation of a Neighbourhood Plan for the Parish of Blakeney on behalf of the Parish Council, ensuring that policies and proposals therein seek to address the community's aspirations for the area.
54. Ensure that Neighbourhood Planning legislation is followed. Ensure project timetable and key milestones are met. Review and quality check work that is undertaken. Assess existing evidence about the needs and aspirations of the Parish.
55. Agree a communication, consultation and engagement strategy to identify ways of gathering views of the whole community. Report to the Parish Council and liaise with the relevant authorities and organisations in order to make the Plan as effective as possible.
56. To be responsible for the analysis of evidence gathered, the development of local policies, and the production of the Neighbourhood Plan. Publicise events, workshops and the Neighbourhood Plan.
57. Identify sources of grant funding and write Terms of Reference for any Working Groups prior to their establishment.
58. The NPSG will comprise of up to 12 members, including representatives of the Parish Council and may co-opt additional members at its discretion, for the purpose of subject matters. A quorum will be 4 members. A member may resign by notifying the Chairman of the NPSG in writing. The Parish Clerk shall undertake the role of Finance Officer to the NPSG, but will not be Secretary to the Group.
59. Meetings shall initially, be held at least every six weeks, notice of which must be given to the members by email, at least 5 days in advance of the meeting date. Decisions will be taken by majority vote. In the event of an equal number of votes, the Chairman shall have a casting vote.
60. Decisions on matters relating to the proposed content of the Neighbourhood Plan shall be made by the Parish Council, following consideration of recommendations made by the NPSG.
61. Terms of Reference may only be altered and additional clauses added by agreement of the Parish Council.

### **DINGHY PARK JOINT MANAGEMENT COMMITTEE** *– With delegated powers, see below for quorum.*

62. The Dinghy Park Joint Management Committee (DPJMC) will comprise the following named representatives, which are to be agreed by Blakeney Parish Council before they attend their first meeting as a new representative:

- 3 x Parish Councillors
- 3 x Blakeney Sailing Club Members
- 2 x Members of Public
- 1 X Blakeney Harbour Association (was a recent addition; they represent all user groups as opposed to just one)
- 1 x National Trust but with no voting rights

63. No one group has more than 40% *Group Representation* on this committee, whether directly or indirectly. Going forward, any individual being nominated for the DPC, must declare their membership of any other group and the appointment will not be accepted, if it takes any group over the 40% threshold.

64. The National Trust does not wish to have a voting member on this committee. They have reconfirmed that they would prefer to remain in the background and not form part of the Management Group. This means that they will have the right to attend Committee Meetings but with no voting rights.

65. Each member, (including non-Councillors) shall have voting rights as per point no. 20 as this is classed as land management.

66. Quorum - As per Standing Order no. 48, except where ordered by the Parish Council, the quorum of this committee shall be one half of its members. **(9 Members would mean that the quorum is 5.) (As per Standing Order no. 48 the DPJMC would like BPC to set the quorum at 4, which will help when there are a number of vacancies, such as now. BPC agreed.)**

67. The DPJMC to be given Delegated Powers and therefor responsible for its own budget.

68. The Committee will meet at least twice a year, the dates to be agreed by the Members themselves in accordance with needs of the Dinghy Park, however preferably before and after each new season. One of these meetings should be an on-site meeting at the Dinghy Park, with Members and the meeting then returning to the Parish Office to proceed with the agenda items.

69. As a Committee of Blakeney Parish Council, Parish Council Standing Orders and Financial Regulations will apply.

70. The DPJMC will have responsibility for the general day to day running and control of the Dinghy Park, the appearance and tidiness of the area and the arrangements for the site during the winter months.

71. Full Regulations (to be reviewed regularly) will be given to all those using the Dinghy Park when they register their craft having completed a 'Boat Owners' registration form. In

addition to this the regulations will be clearly displayed in the Dinghy Park for those who may not have registered either via a sign or attached to the Blakeney Sailing Club notice board.

72. The final responsibility and control of the Dinghy Park remains with Blakeney Parish Council in accordance with the lease between them and The National Trust.

73. Subject to the points above, then then all members of the DPJMC are covered by the Parish Council Insurance Policy.

**BONFIRE & FIREWORKS COMMITTEE:** *Ideally 5 or 6 members. Quorum is 3. With delegated powers.*

74. To meet as and when required, ideally at least once prior to the event, and once after as an evaluation meeting.

75. The Committee will agree an event date, with a provisional back up date and request a budget for the next event from the Council and shall decide what the proceeds raised should be for. *(It has been agreed that until further notice, this will form the basis of the annual Parish Council Community Fund – ie. grants then given annually to local community groups.)*

76. The main format for preparation is now well established and The Clerk is able to plan and instruct as per previous agreed working plans, subject to any committee agreed changes. The yearly planning format will be shared and agreed in advance.

77. The Clerk will produce a risk assessment for the event, which will include, but is not limited to;

- Advance planning including site
- Bonfire
- Strong winds

78. Share with the committee and ask for them to feed in any additional items and advise when it has been accepted by the Insurance provider.

79. Committee members will help in the lead up to the event and on the day itself and will actively assist in finding additional helpers where they know they are needed or as the Clerk advises in order to comply with insurance.

80. As Proper Officer the Clerk will lead on this event on the day, unless unable to attend, in which case the Event will be overseen by the committee, with a Lead Event Officer, appointed from the Committee.

**BPC AFFORDABLE HOUSING COMMITTEE (& BNHS):** *6 members as a minimum. Quorum is 4 with 7 members. With delegated powers.*

81. The purpose of this committee is to meet, liaise, communicate and negotiate with the sole aim of providing more affordable housing for local people within the parish.

82. This may be in the form of exceptions sites or making the most out of a large-scale housing development where the numbers permit, ie. under the current NNDC Local Plan, 10 dwellings or more.

83. Work with any provider who may be able to assist in this task, including but not limited to;

- Blakeney Neighbourhood Housing Society
- North Norfolk District Council – Enabling Team, Local Policy Team, Planning Officers etc.
- Broadland Housing
- Victory Housing
- Hastoe Housing
- Community Land Trusts
- Any other Housing provider/enabler

84. Seek relevant funding opportunities.

85. Keep the Parish Council up to date where there is significant positive progress.

**RECREATION PROJECT COMMITTEE:** *Ideally a minimum of 5 or 6 members. Quorum 3.*

*(Currently disbanded)*

86. The Recreation Committee to meet on an as and when required basis in order to move any project forward and deal with any issues arising from any project to do with this area.

87. All day to day or week to week management issues are dealt with by the Parish Clerk.

88. The Committee will deal with issues referred where policy is either unclear or does not exist.

89. The Committee shall ask that the Parish Clerk identifies any suitable grant and other funding opportunities in order to administer projects as agreed. Match funding for such projects would need to be approved by the Full Council, as would any expenditure that would add to future revenue costs.

90. Gives delegated power to the Parish Clerk to address any issues raised by the routine quarterly and annual safety inspections as carried out by The Play Inspection Company that fall within budget or where of such urgency in terms of health and safety that immediate action is required.

**SUB-COMMITTEES – If any were to be set up.**

91. All Sub-Committees must report to and be accountable to a Committee, and must therefore be relevant to a main Committee.

92. All elected Councillors and non-voting advisory representative members of the said Committee must be informed of the date, time and venue of Sub-Committee meetings.

93. A minimum of three elected Councillors on the said Committee shall be elected to serve as Sub-Committee members. All other members of the Sub-Committee are those members of the public or councillors present at each meeting, unless a maximum number of members is determined by the Sub-Committee.

94. All decisions taken shall be by consensus.

95. All Sub-Committees shall publish and publicly display an agenda and serve notice on its members of the date, time and venue of the meeting and the business to be discussed.

96. All Sub-Committee meetings are open to the public and press.
97. All Sub-Committee meetings shall be serviced by the Parish Clerk, to advise and to take minutes.
98. All Sub-Committees shall work on a balanced budget basis (i.e. no expenditure committed unless supported by income received, sponsored, granted or pledged), unless they are delegated a budget by their parent Committee or Full Council.

## **WORKING GROUPS**

99. Set up for short term purposes.
100. Not subject to the same rules as committees and sub-committees. There is no requirement for Working Groups to meet in public.
101. No need for formal agenda and minutes, however, some structure to meetings is recommended and a record of discussions will be needed for reporting purposes.
102. Cannot make decisions but research options and present to Council for decision.

## **ADVISORY COMMITTEES**

103. Research and discuss issues, but have no delegated functions.
104. Makes recommendations to Full Council, that then makes the decisions.
105. Can have just one Member.
106. No Members need to be Councillors.

## **REPRESENTATIVES OF OUTSIDE BODIES & CHARITIES**

107. All Councillors representing the Parish Council on an outside body have a duty to report back to the Full Council under the appropriate section of the agenda. The primary action of a nominated representative is to act as a Councillor, not as a member of the said outside body.
108. All Councillors are encouraged to attend meetings and are free to participate in debates with the said outside body, but shall act only as a liaison between them and the Parish Council.
109. All Councillors elected as Charity Trustees will serve under the Charitable Trust Deed as a Trustee, but still have a duty to report back to full Council where appropriate. The primary action of a Councillor elected as a Trustee is that of a Charity Trustee under the aims and objections of the said charity, and secondary as a Councillor.
110. All Councillors are free to attend and participate fully in debates at meetings of the said Charity acting as a nominated Trustee in the management of the Charity as appropriate.

111. All Councillors serving as representatives on outside bodies or as Charity Trustees cannot agree the use of Council Property, Services or Staff, neither can they commit any financial assistance towards the said outside body. Any such commitment has to be placed on a future agenda for discussion and agreed by the Full Council or such Committee or Sub-Committee with the relevant delegated authority.
112. All reports should be concise (preferably written), but comprehensive. Councillors withholding or not passing on important information deemed to be pertinent to the Parish Council can be removed as a representative by a resolution of the Parish Council; Trustees can only be changed or replaced according to the management criteria of the said Charity.