

Hawkhurst Parish Council

TERMS OF REFERENCE FOR THE PLANNING ADVISORY GROUP COMMITTEE

A. DELEGATION FROM THE COUNCIL

Under the powers of the Local Government Act 1972 s.101 (Discharge of Functions) these Terms of Reference were agreed by the Parish Council at its meeting on 13th May 2019.

B. MEMBERSHIP

This Committee shall consist of six Councillors who shall be elected, and may be re-elected, each year at the Annual Meeting of the Parish Council.

C. PROCEDURES

- i) The Committee will operate in accordance with Local Government law and in accordance with the Council's Standing Orders and Financial Regulations as adopted May 2019.
- ii) At the first meeting of the Committee after the Annual Meeting of the Parish Council the Committee shall elect a Chairman and a Vice Chairman for the forthcoming year from amongst the Committee membership. The Chairman and Vice Chairman may be re-elected.
- iii) The Committee will submit its minutes to be received at the next meeting of the Parish Council.
- iv) The Committee will consider a budget in September each year (income, expenditure / projects) submit a draft budget to the Council for discussion in October each year and submit their proposed final budget to Council not later than the end of December each year.
- v) The Clerk to the Council shall provide administrative support for the Committee.

D. FREQUENCY OF MEETINGS

- i) The schedule of meetings shall be agreed at the Annual Meeting of the Parish Council.
- ii) The Committee shall meet on the Friday prior to a Council meeting at 9:30am unless varied by agreement of the Committee.

E. COMMITTEE STRATEGIC LEADS AND FUNCTIONS

The Committee shall have responsibility to lead on the following objectives of the Councils Strategy

- i) Neighbourhood Development Plan
- ii) TWBC Local Plan feedback

The Committee shall have responsibility to lead on the following functions:

- Undertake on behalf of the Council all matters associated with

X

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• y

- i) Authorise works in accordance with Financial Regulations and within previously agreed budgets.
- ii) Report their activities to the Council since the previous meeting.
- iii) Place their recommendations (if any) with written reports on non-delegated functions before the Council for approval.

F. POWER AND DUTIES OF COMMITTEES

1. The acts and proceedings of every Committee shall be submitted to the Council for confirmation except where a Committee acts under powers delegated to it by or with the authority of the Council, when its act and proceedings shall be submitted for report only, although a minute may be "not received" as a mark of disapproval.

2. All powers listed in the terms of reference are delegated to the Committees except where there is a requirement to submit a recommendation to the Council. All delegated powers shall in any event, be subject to the condition that either a major departure in policy or principle or any major formulation of new policy or principle which would affect the use of the Councils resources or conflict with the provisions of a Councils policy plan shall be submitted to the Council. In all cases a committee exercising its delegated powers shall act in accordance with Standing Orders and Financial Regulations and shall give effect to any resolution of the Council upon matters of policy and principle but in case of doubt or difficulty, shall submit the matter concerned to the Council for approval.

3. In addition to any matters which are specifically delegated from time to time to any committee there shall be delegated subject to any statutory requirement, scheme or order, the following powers:-

i) to authorise any urgent steps to be taken to defend any proceedings instituted against the Council in any court including the briefing of Counsel, payment of monies into court and settlement of actions upon such terms as may seem advisable;

ii) to appoint representatives to attend annual conferences so long as provision in estimates is not exceeded.

iii) To manage budgets delegated to the committee and report quarterly to Council

iv) To manage reserves allocated to the committee and report quarterly to Council

v) Xxx

vi) Xxxx

vii) Xxxx

viii) xxxx

COUNCILS STANDING ORDERS IN RELATION TO COMMITTEES

1) APPOINTMENT OF COMMITTEES.

The Council may at the Annual Parish Council Meeting appoint such committees as they are required to appoint by or under any statute or under **Standing Order 4** (Committees) and then at any time appoint such other Committees as are necessary to carry out the work of the Council, but subject to any statutory provision in that behalf:-

- a) shall not appoint any member of the committee so as to hold office later than the next Annual Meeting of the Council;
- b) may at any time dissolve a committee or alter its membership.

2) CONSTITUTION OF COMMITTEES

The number of standing committees and their membership shall be such as the Council may from time to time determine subject to such rules on proportionality, as may be enacted from time to time (NB there are no rules currently in force in respect of Town and Parish Councils).

3) PROCEEDINGS OF COMMITTEES TO BE CONFIDENTIAL

All agendas, reports and other documents which are marked "not for publication" because they contain confidential information pursuant to Section 1 (2) Public Bodies (Admission to Meetings) Act 1960 shall not be published nor any information contained therein be made available to any member of the public or press.

4) ELECTION OF CHAIRMAN OR COMMITTEE

Every committee shall, at its first meeting, before proceeding to any other business, elect a Chairman and Vice Chairman for the year.

5) SPECIAL MEETINGS OF COMMITTEES

- i. The Chairman of a committee or the Council may call a special meeting of the committee at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the committee, delivered in writing to the Clerk to the Council, but in no case shall less than three members requisition a special meeting.
- ii. The Clerk to the Council may, without request, upon any emergency or special circumstances arising, summon a special meeting of any committee. The summons to the special meeting shall set out the business to be considered and no business other than that set out in the summons shall be considered at the meeting.
- iii. The Chairman and Vice-Chairman of the Council are authorised to convene joint meetings of two or more committees to deal with any matter of urgency and such

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joint meetings shall have delegated power to act on the Council's behalf in such matters.

6) QUORUM OF COMMITTEES

- i. Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one half of the whole number of the Committee is present. Provided that in no case shall the quorum of a committee be less than three members.

7) VOTING IN COMMITTEES

- i. Members of committees and sub-committees entitled to vote, shall vote by show of hands and the names of the Members who voted recorded on any question so as to show whether they voted for or against it.
- ii. The Chairman of the Committee shall ascertain the numbers voting for or against any motion and the Chairman's declaration as to the result shall be conclusive. If on the requisition of any member of a Committee made before the question is put the voting on any question is recorded, there shall be recorded the number of any members then present who abstained from voting.

8) RECORDING OF VOTES

Where immediately after a vote is taken at a meeting any member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his vote for the question or against or whether he abstained from voting.

9) DELEGATED POWERS REFERENCE TO COUNCIL

Immediately following a vote on the decision taken by a Committee under delegated powers, one quarter of the members of the Committee present and voting at the meeting may require that the decision taken be submitted to the Council as a recommendation. In such circumstances the decision shall not be actioned before consideration of that recommendation by the Council.

10) STANDING ORDERS TO APPLY TO COMMITTEES

- i) The Standing Orders of the Council shall, with any necessary modification, apply to committee meetings.
- ii) A member may give written notice of any motion he may intend to move at a meeting of a Committee and in such event the Clerk to the Council shall notify the members of the Committee accordingly.

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11) MOVER OF MOTION MAY ATTEND COMMITTEE

A member of the Council who has moved a motion which has been referred to any Committee shall have notice of the meeting of the Committee at which it is proposed to consider the motion. He shall have the right to attend the meeting and if he attends he shall have an opportunity of explaining the motion (but not of voting).

12) ATTENDANCE OF NON-MEMBERS

Subject to the observance of Standing Orders:-

- i. All members of the Council shall receive copies of agendas and reports of all Committees.
- ii. Members of the Council desirous of attending Committees other than those to which they are members shall be entitled to do so provided that:-
 - a) such members shall not address the Committee nor take part in any proceedings without the consent of the Committee and nor in any case vote;
 - b) if the Committee by resolution so determine the visiting member shall withdraw forthwith.

13) XXXX COMMITTEE DELEGATION

All the powers and duties of the Council refer to the Committee shall stand delegated to the Committee.