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# TERMS of REFERENCE & DELEGATION SCHEME

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Pirton Parish Council

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Adopted: 11th December 2014

Doc014.

Chairman: P.Waters

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Re-Assessed (date)	Signed (Chairman)
12 <sup>th</sup> February 2015	P.Waters
12 <sup>th</sup> May 2016	R.Diane Bailey
11 <sup>th</sup> May 2017	A.Smith
09 May 2019	J Rogers
12 March 2020	J Rogers
14 May 2020	J Rogers

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Revised 17 Apr 19	RecDev Working Group added
Revised 12 Mar 20	HR & Environment Committees added, Planning and NPSG revised, PSSC removed
Approved 14 May 2020	Final version incorporating amendments
Revised 15 Feb 21	Added Arboreal and Communications Working Groups
Revised 16 Mar 21	Reduction in numbers generally as agreed at Mar 21 Council meeting
Revised 5 May 21	Amended paragraph added in error on 16 Mar 21 re "conflict of interest" by Chair of RecDevWG <b>removed</b> as not approved by the Parish Council

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### 1. Decision Making

The Full Council can take all decisions on behalf of the Parish Council, or it may appoint one or more committees for the purpose of discharging any of its functions.

This document sets out the Terms of Reference and delegated Authority for each Committee and the Terms of Reference for each Working Group.

### 2. Matters to be Resolved Only by Full Council

- a To approve the Annual Budget and the Precept.
- b To approve the End of Year Accounts and Annual Return.
- c Adoption of new policies.
- d To maintain Standing Orders and Financial Regulations.
- e To maintain the Council's other Policy Documents.
- f To review annually the Council's Risk Assessment.
- g To determine the functions and constitution (terms of reference and delegated authority) of Committees and Working Groups.
- h To determine the Committee structure annually at the Annual Parish Council Meeting.
- i To appoint representatives on outside bodies annually at the Annual Parish Council Meeting and fill vacancies that occur during the year.
- j The setting up of Working Groups (including the Committee to which they should report).
- k To set the Calendar of Meetings of the Council and its Committees.
- l To fill vacancies occurring on any Committee or Full Council.
- m To approve the borrowing of money and loan applications.
- n To award Contracts following a Tendering Process.
- o To deal with matters that do not fall within the province of any Committee and such other matters as may be referred to the Full Council by a Committee.

### **3. List of Parish Council Committees**

- a Environment Committee
- b Human Resources Committee

### **4. List of Parish Council Working Groups**

- a Neighbourhood Plan Steering Group (PNPSG)
- b Arboreal Working Group
- c Communications Working Group
- d Planning Working Group
- e Recreation Ground Development Working Group
- f S106 Working Group
- g Youth Council (PYC)

### **5. General Rules Governing Committees**

- a Each Committee must have at least one Parish Councillor as a Member.
- b Minutes from Committee Meetings must be submitted to the Parish Clerk.
- c The Agenda for Committee Meetings must be circulated in advance to all Councillors and the Parish Clerk.
- d Three clear days' notice of Committee Meetings must be given to the press and public, who shall be invited to attend.

### **6. General Rules Governing Working Groups**

- a Working Groups may consist entirely of non-Councillors.
- b The Groups shall decide when they will meet and the location for the meeting.
- c Minutes from Working Group Meetings must be submitted to the Parish Clerk.
- d The Groups shall make recommendations to the Parish Council to assist them in their decision-making.
- e The Groups themselves have no authority to take decisions on behalf of the Council.

### **7. Powers Delegated to the Clerk**

- a The Clerk shall have the authority to issue Parking Permits to residents of Great Green who submit a valid application (including the selection of which parking spot to allocate). He may also issue licences to residents to drive across the track to access their properties.

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## Environment Committee

The Pirton Parish Environment Committee (PPEC) will consist of 3 Pirton Parish Councillors and be responsible for all advice and recommendations to the Pirton Parish Council on the physical condition of the village and wider parish and on any necessary work to maintain a good environment. It will meet a minimum of 4 times a year, plus as and when required to address urgent issues.

### **Members:**

1. Membership shall comprise of 3 Pirton Parish Council (PPC) members. The Chair of the Pirton Parish Council may be an ex officio member.
2. Membership of the committee will be established at the Annual Meeting of the Pirton Parish Council.
3. The Committee shall elect a Chair for each civic year
4. Co-opted members may join the committee during the year if authorised by the Council.
5. Three members of the Committee shall constitute a quorum for meetings.

### **Specific Delegated Powers:**

6. Seek to resolve issues regarding car parking in the village;
7. Protect, as far as possible, the rural nature of the village
8. Ensure the proper maintenance of footpaths, stiles, bridges and verges (see information below);
9. Check on the condition of hedges and trees to ensure these do not cause an obstruction;
10. Seek to ensure that allotments are maintained in good condition;
11. Ensure that trees on property owned by the Parish Council are properly maintained and do not cause an obstruction
12. Monitor the condition of Blacksmith's Pond and advise the PPC on any remedial work/enhancements necessary
13. Monitor the condition of street furniture in and around the village and advise the PPC of any issues
14. Mowing and hedge-cutting of PPC managed land.
15. Maintenance of children's play areas and equipment.
16. Liaise with Human Resources Committee to establish village handyman work schedules.
17. Monitor highways and highway furniture (road signs, etc.) and report problems and where appropriate draw in views from the wider parish to determine possible solutions.

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18. Maintain and keep bus shelters tidy.
19. Monitor dog bins and salt bins and liaise with dog warden

### **Accountability:**

20. The Committee is accountable to the PPC and will make reports to it monthly
21. An annual report on its activity will be published through the Annual Parish meeting

### **Pirton Parish Paths Partnership (P3)**

P3 is an Agreement between the PPC and the Countryside Management Services (CMS) representing the Highways Authority – Hertfordshire County Council (HCC).

The PPC nominates one Councillor as their representative to P3. This Councillor shall be a member of the Environment Committee. The PPEC will liaise with the CMS and HCC under the terms of the Agreement and in consultation with CMS and HCC will advise the PPC on the carrying out of works relating to Public Rights of Way, in particular relating to four areas of activity:

- a. Condition surveys and inspections
- b. Improvement works
- c. Publicity and information
- d. Events and activities to encourage use

In return for the carrying out of any works so identified, the PPC may apply for an annual grant from HCC to carry out work on the Pirton Parish Rights of Way.

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### Human Resources Committee

The Human Resources (HR) Committee will consist of 3 Councillors and be responsible for all staffing matters. It will meet a minimum of twice a year, plus as and when required to ensure that Pirton Parish Council (PPC) complies with the requirements and obligations of employment law and follows best practice in providing good working conditions for staff.

#### **Pirton Parish Council Members:**

1. Membership shall comprise of 3 Parish Council members. The Chair of the PPC may be an ex officio member.
2. Membership of the committee will be established at the Annual Meeting of the Council
3. The Committee shall elect a Chair for each civic year
4. Co-opted members may join the committee during the year if authorised by the Council.
5. Three members of the Committee shall constitute a quorum for meetings.

#### **Specific Delegated Powers:**

The PPC recognises it has a duty of care to its employees and the HR Committee will be responsible in particular for the following: -

1. To establish and keep under review the staffing structure in consultation with the Full PPC.
2. To agree and review annually contracts of employment, job descriptions and person specifications for staff and to manage employee rights relating to leave, time off, family rights, pay and illness.
3. To appoint from its membership a recruitment panel when necessary and recommend appointments to the PPC regarding the recruitment of the Parish Clerk, and to be involved as necessary in the recruitment of other staff as required
4. To establish and review performance management including annual appraisals and staff development arrangements
5. To review, and monitor grievance and disciplinary policies and procedures periodically and at least every two years and to recommend changes when necessary to the full PPC.
6. To ensure that the Clerk is supported and has everything required for managing other staff
7. To make appropriate staff training provision
8. To keep under review staff working conditions and health and safety matters



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9. To ensure that suitable investigations are undertaken into any relevant grievance or disciplinary matters; to appoint a sub-committee to serve as the disciplinary or grievance panel to hear these matters as and when appropriate; to agree the Members to sit on an appeals panel to hear appeals against a grievance or disciplinary decision as and when appropriate

10. To practice and promote fair and equal treatment of all employees of the PPC throughout the performance of all PPC activities and ensure that no discrimination, harassment or bullying takes place against any member of staff.

### Additional Conditions:

1. Due to the confidential nature of some of the business before the HR Committee it may be necessary to hold meetings, or part thereof, in private in pursuance of Public Bodies (Admission to Meetings) Act 1960 sec.1 as amended by the Openness of Local Government Regulations 2014. This can be done part way through the meeting.
2. Minutes will be an agenda item and presented for noting at the next Pirton Parish Council meeting

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## Neighbourhood Plan Steering Group (PNPSG)

### General

The Pirton Neighbourhood Plan Steering Group (PNPSG) will operate under the terms of a Constitution (as already lodged with and accepted by the Parish Council) setting out its aims and objectives and rules of operation.

The PNPSG shall meet at least once every two months or as may be required.

The PNPSG shall include not less than 6 members and a maximum of 16 members. The membership shall include at least 1 member of the Pirton Parish Council (PPC).

A quorum for a meeting shall be a minimum of 4 members.

The PNPSG may co-opt additional members on a permanent or a temporary basis at its discretion.

### Terms of Reference

The PPC, having achieved its Pirton Neighbourhood Plan (PNP) in April 2018, now tasks the PNPSG as follows:

1. To review the PNP for general conformity with the Emerging NHDC Local Development Plan (LDP) and when the LDP is finally adopted;
2. To monitor how the PNP and its Policies are used by the NHDC, and by Developers, and to report to the PPC;
3. Advise the PPC as necessary on the PNP implications of Planning Applications;
4. Monitor National Policy on Neighbourhood Planning generally and keep the PPC informed.

### Delegated Authority

1. To report back regularly to the community and to the PPC
2. The PNPSG may comment on planning matters including applications and proposals that could reasonably be expected to impact on the objectives of the PNP and its Policies
3. The PNPSG may hold discussion with NHDC Planning on matters relating to the use and application of PNP Policies when NHDC Planning conduct pre-application discussions or determine planning applications, and regarding NHDC Planning's use of the Pirton Character Assessment, such discussions to be reported to the next PPC meeting

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4. The PNPSG Treasurer shall keep an accurate record of Income and Expenditure where necessary, supported by receipted invoices. The treasurer will report to the PNPSG and to the PPC on planned and actual expenditure. Current financial procedures will be maintained between the PNPSG and PPC.

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### Arboreal Working Group

#### Purpose

The Arboreal Working Group (AWG) has a parish wide role concerning the following:

To identify areas of the Parish which can be protected or enhanced by planting indigenous trees and shrubs, along with other areas that could be naturalised to increase the biodiversity of the Parish.

By establishing relationships with HCC, NHDC, Highways and local landowners, secure permitted access to relevant areas and, where possible, obtain the required trees and flora through local grants/trusts/charities, which the community can plant as and where appropriate in these areas.

Its scope will also include reports on regional or national trends and/or environmental reports relating to trees and related flora; all activities undertaken by the AWG will be having sought advice of environmental trusts and charities such as the Woodland Trust and Herts & Middlesex Wildlife Trust.

#### General

**Meetings:** The Arboreal Working Group AWG will meet at least 4 times each year, or whenever necessary and to also include email consultation as required.

**Minutes:** AWG meetings will be subject to an agenda, and will be followed by minutes in good time, and be provided to the PC Clerk. Meetings do not have to be in public

**Membership:** A minimum of 2 Members drawn from the Parish Council (PC). The AWG may co-opt additional members from residents in Pirton, on a permanent or a temporary basis with all recommendations requiring PC approval.

**Quorum:** To be either -

- a) two Pirton Parish councillors or
- b) three members one of which must be a Pirton Parish councillor.

**Declaration of Interest:** The Parish Council Rules relating to Declarations of Interest shall apply to all meetings of the AWG

**Conduct:** All Members of the AWG must follow the Parish Council's Code of Conduct. Whilst differences of opinion between AWG members is expected, and even welcomed when expressed in a respectful way, as different views often lead to better results, all AWG members must accept the purpose and duties of the AWG and the constraints under which it is deemed to operate. Any Members deemed to be acting in a manner contrary to achieving the purpose and the duties expected of them, will be required to leave the AWG. Pirton Parish Council reserves the right to remove any member of the AWG who in the council's opinion, has not complied with its Code of Conduct or these Terms of Reference.

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## Communications Working Group

### Purpose

The Communications Working Group (CWG) has a parish wide role concerning the following:

To identify the most appropriate methods with which the Parish Council (PC) can engage and communicate with local parishioners and all other relevant stakeholders, ensuring:

- 1: the local community is kept informed with what the PC actually does
- 2: the local community can effectively communicate with the PC so that they can be involved in decisions which affect them and the rest of the Parish

Its scope will also include supporting the Parish Clerk, who manages the Pirton Parish Council website, ensuring information is easily accessible and engaging.

The CWG will actively seek recommendations from other local Parish Councils, and attend any Communications seminars to ensure best practice/latest ways of working are reviewed and adopted as appropriated.

### General

**Meetings:** The Communications Working Group CWG will meet at least 4 times each year, or whenever necessary and (to also include email consultation as required).

**Minutes:** CWG meetings will be subject to an agenda, and will be followed by minutes in good time, and be provided to the PC Clerk. Meetings do not have to be in public

**Membership:** a minimum of 2 Members drawn from the Parish Council. The CWG may co-opt additional members from residents in Pirton, on a permanent or a temporary basis with all recommendations requiring PC approval.

**Quorum:** to be either -

- a) two Pirton Parish councillors or
- b) three members one of which must be a Pirton Parish councillor.

**Declaration of Interest:** The Rules relating to Declarations of Interest shall apply to all meetings of the CWG

**Conduct:** All Members of the CWG must follow the Pirton Parish Code of Conduct. Whilst differences of opinion between CWG members is expected, and even welcomed when expressed in a respectful way, as different views often lead to better results, all CWG members must accept the purpose and duties of the CWG and the constraints under which it is deemed to operate. Any Members deemed to be acting in a manner contrary to achieving the purpose and the duties expected of them, will be required to leave the CWG. Pirton Parish Council reserves the right to remove

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any member of the CWG who in the council's opinion, has not complied with its Code of Conduct or these Terms of Reference.

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### Planning Working Group

#### General

The Planning Working Group will meet when necessary. Meetings shall be scheduled to meet deadlines set by the Planning Authority.

External Attendees shall be invited to attend meetings as required

Membership: There will be a minimum of 3 members of the Planning Working Group. At least 2 members will be members of the Council. The third member, whether Councillor or not, must be a member of the Pirton Neighbourhood Plan Steering Group.

Quorum: Three

Chairman: The Working Group members shall elect a Chair to present the Working Group's recommendations to the full Council

#### Terms of Reference

1. To consider all Planning Applications referred to the Pirton Parish Council by the Local Planning Authority or identified by the Working Group as relevant to Pirton.
2. To identify, keep under consideration and advise the PPC on potential planning applications/developments that are relevant to Pirton
3. The Working Group shall take whatever actions are necessary to enable them to recommend a course of action to full Council meetings. These may include meetings of the Working Group, site visits, verbal or email correspondence etc.
4. If the Working Group cannot agree a unanimous response on a particular application, they must report their differences of opinion to the next Parish Council meeting.

#### Delegated Authority

1. The Working Group shall make a recommendation to a full Council meeting of what the Council's response should be to planning applications.
2. The Parish Council's response to the Local Planning Authority shall be decided by vote at a full Council Meeting.

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### Recreation Ground Development Working Group

**Purpose: To advise the Pirton Parish Council (PPC) on the best way to utilise the allocated Sec. 106 Funds to be received from CALA Homes as a result of their ETF1 development at Holwell Turn.**

#### **Composition.**

The RWG will comprise of two (2) PPC Councillors and four (4) members nominated by the Pirton Sports and Social Club (PSSC) being three (3) from the affiliated Sports Groups (representing input from the Football Club, Cricket Club and Tennis Club and other affiliated Sports Groups) together with one (1) member representing the social users of the PSSC. The RWG may co-opt other non-voting members of the public for their expertise in aspects of the project. The RWG will be chaired by the PPC. The RWG will elect a Secretary to the RWG.

Arising from Sports Group nominations, no individual Sports Group shall have more than one member on the RWG.

Final approval of Membership of the RWG will rest with the PPC.

#### **Meetings.**

The RWG will meet at least once a month.

Every meeting shall have a clear agenda which will be circulated to RWG members and the PPC Clerk at least five (5) days in advance of the meeting. All meetings will be minuted and minutes will be reported promptly to the PPC and to the wider community. All decisions of the RWG shall be recorded by way of resolution and a vote by those present at the meeting and in the event of a tied vote, the Chair shall have the casting vote. Other Members of the PPC will have the right to attend as Observers, participate in the discussions, but such PPC Observers will not be allowed to vote on any RWG resolution.

In the event that a member of the RWG cannot attend a meeting they may substitute an alternate provided that such member confirms the delegation in writing prior to the meeting and/or in the case of the PPC delegate to another attending member of the PPC.

To constitute a quorum there must be a minimum of three RWG members (or their alternate or delegate) in attendance, one of which must be a PPC Councillor.

#### **Finance**

The PPC will retain ultimate control of the Sec.106 funds and has the right to reject or modify any proposal of the RWG.



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### **RWG Remit.**

As follows

1. Collate the responses to the community consultation conducted by the PPC (closing date 30 Nov. 2018).
2. Taking into consideration, the results of any structural survey of the Pavilion undertaken, and the response to the survey referred to in (1) above and the development plan originally produced in 2015 and any other material considerations, create a development project plan (the Plan) which endeavours to make best use of the allocated Sec.106 funds, which will be subject to approval by the PPC. The Plan will contain appropriate detailed actions and milestones to assist the monitoring of progress. This plan will be costed, and at least two (2) quotations for every piece of work under £1000 will be obtained and three (3) quotations for those in excess of £1000.
3. The final choice of contractor/provider in any field will have regard to quality and service standards as well as price, and will require approval by the PPC.
4. Should the RWG wish the above remit to be modified, it shall submit a written proposal to the PPC for approval.

### **Conduct.**

The conduct of members of the WG will be subject to the Pirton Parish Council Code of Conduct. Whilst differences of opinion between WG members are expected, and even welcomed when expressed in a respectful way (as different views often lead to better results), all RWG members must accept the purpose and duties of the RWG and the constraints under which it is deemed to operate. Any members deemed to be acting in a manner contrary to achieving the purpose and duties expected of them, may be required to leave the RWG. The PPC reserves the right to remove any member of the RWG who in the PPC's opinion, has not complied with its Code of Conduct or these Terms of Reference.

## S106 Working Group

### General

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The S106 Working Group will meet when necessary. It will report to the Full Council.

The quorum of the Working Group should be 3 Members.

### Terms of Reference

The S106 Working Group shall undertake the following role and functions:

To establish what funding is available at any one time to Pirton Parish Council through S106 funding or Unilateral Undertakings (UUs)

To recommend to the Council how the funds available may be used for the benefit of the residents of the Parish.

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### Youth Council (PYC)

#### General

Youth Council will meet once a month during school term time with further meetings arranged in the school holidays when necessary.

Minutes of all Youth Council meeting will be forwarded to the Clerk to the Parish Council.

Youth Council will be supported by at least one Parish Councillor with additional support from other Parish Councillors to meet Safeguarding requirements.

Membership will consist of up to 10 Youth Councillors representing a mix of young people from school Years 7 to 13 with older Youth Councillors being allowed to continue up to the age of 23 if willing.

The quorum at Youth Council meetings will be three.

The Chairperson of the meeting shall be the supporting Parish Councillor.

Youth Council will report to the Parish Council via the supporting Parish Councillor.

#### Terms of Reference

Mission Statement:

*“Enhancing village life for the young people of Pirton”*

Youth Council will meet to discuss issues relating to the young people of Pirton.

#### Delegated Authority

1. Youth Council shall have the authority to spend funds ring-fenced within the Parish Council accounts under the project heading of Pirton Youth Council.
2. Youth Council will arrange fundraising events for the furtherance of youth events and facilities in Pirton.
3. Youth Council will arrange information events which may be of interest to the young people of Pirton.
4. Youth Council will appoint a member to the Management Committee of Pirton Youth Club.