# TERMS OF REFERENCE AND DELEGATION OF POWERS TO COMMITTEES

Once a committee is established the membership, Chairmen and Vice-Chairmen are appointed each year at the Annual meeting of the Town Council held in May and the terms of reference are reviewed.

These Terms of Reference were approved and adopted by Keynsham Town Council on14h May 2019. Winter Festival was amended on 10th December 2019 following recommendations from the Committee Review Working Party

**CLERK'S RECOMMENDATION – THAT ENVIRONMENT AND SUSTAINABILITY BECOME A STANDING COMMITTEE WITH SCHEDULED MEETINGS**

# INDEX


| | |
|---|---|
| Important Information | Page 2&3 |
| Events, Arts Tourism & Heritage | Page 4 |
| Environment and Sustainability | Page 7 |
| Finance & Policy | Page 9 |
| Grants | Page 11 |
| Personnel | Page 12 |
| Planning & Development | Page 14 |
| NDP Steering Group | Page 15 |
| GDPR Sub-Committee of Finance & Policy | Page 16 |
| Consultation Response Group | Page 17 |

# Important information

**Key Points about committees:**

- The specific responsibilities of a committee are confirmed by its terms of reference.
- Non Councillors may be appointed to committees – the voting rights of non-councillor members is limited (see below).
- A non-councillor with voting rights is subject to the Councils code of conduct with a statutory obligation in respect of the registration and disclosure of disclosable pecuniary interests.
- A committee either has functions of the council that have been formally delegated to it or it simply advises the council on matters which relate to the performance of its statutory powers and functions.
- The full council is responsible for the appointment and the dissolution of a committee.
- The Chairman can be elected by the full Council or by the committee members when they first meet.

**What do committees do?**

If a council delegates the performance of certain statutory functions, powers and responsibilities to a committee, in doing so the council is subject to decisions made by the committee. The following cannot be delegated to a committee:

- Levying or issuing a precept
- Borrowing money
- Approving the councils accounts
- Considering an auditors report
- Confirming that it has satisfied the criteria to exercise the Power of General Competence
- Adopting or revising the councils code of conduct

**When can the Town Council appoint a committee?**

This can be done at anytime; however normally this is done at the Annual meeting of the council in May. It is a good opportunity to review existing committees and the need for new committees.

**Appointing a Committee**

Once it has been decided that there needs to be a committee then several decisions become necessary. The most important decision is what the committee is actually there to do. Will it be a committee with any powers delegated to it or will it be an advisory committee that must report back to the council. All these items need to be set out in the terms of reference of the committee which must be approved by the council and should be recorded clearly in the council minutes.

- The terms of reference of a committee would normally set out how many members it shall have.
- They should state whether the committee has a delegated power to act or is merely advisory and only able to make recommendations to the council.
- Under no circumstances should a committee be allowed to make or change its terms of reference, this is done by the full Town Council.
- There is no requirement for political proportionality on committees unless the Council decides otherwise.
- Once a committee is established the membership is appointed each year at the annual meeting of the council held in May.

**Delegation of Powers/Advisory Committees**

A council can delegate almost all of its powers to a properly constituted committee. When establishing a committee its terms of reference should specify whether the committee has delegated powers to act directly or whether any or all of its decisions must be referred back to the full council as recommendations for approval or (in the case of Grants) a decision for formal ratification Where a committee has a delegated power and specified financial resources allocated to it, then it has been empowered to act directly without reference back to the council.

In effect, the committee is acting as if it was the council. In that situation the council would merely receive the minutes of that committee meeting at the next council meeting, and accept the decision as its own. Where the committee only has an advisory role then its minutes will effectively form recommendations for action to the full council and will need to be specified appropriately on the agenda and the council's decisions recorded in its minutes.

The council will always have the ultimate authority, and may at any time, step in and exercise the functions which it has delegated to a committee, or indeed disband the committee. It could not override the decisions already made without technically rescinding its own decisions.

**NON-COUNCILLOR MEMBERS OF COMMITTEES**

Non-Councillors may be *invited* to sit on the two types of committee - committees set up to discharge functions of a council and advisory committees. They will have agendas with background papers, minutes and can speak at the meeting whether or not they can vote.

It is unlawful for non-councillors to vote on matters where the committee has a delegated power which involves financial expenditure EXCEPT IN RESPECT OF THE 4 FUNCTIONS BELOW

Non-Councillors are unable to sit on committees if he/she would be disqualified from being elected or being a Councillor, if a non-councillor does have a voting right then they are also subject to Keynsham Town Councils Code of Conduct.

It is important for a Council to explain the limited statutory rights that non-Councillors have and also their statutory obligation in relation to registration, disclosure of interests and the Code of Conduct.

**NB** Non Councillor members of committees do not have voting rights except in respect of 4 Council functions –

(i) management of land owned or occupied by the Council;
(ii) functions of the Council as a harbour authority;
(iii) any functions relating to the promotion of tourism and
(iv) any function relating to the management of a festival.

The term 'management' does not include making decisions about the total amount of money which may be spent by the council in a financial year in respect of land or a festival.

Non-Councillors may be appointed because they represent a particular section of the community e.g. business, voluntary organisation or because they have expertise for the work of the committee. For example, an event/festival committee may involve representatives from local businesses because they are better placed to encourage sponsorship by other businesses and may contribute commercial ideas.

| | |
|---|---|
| **MEMBERSHIP WITH VOTING RIGHTS** | 7 Keynsham Town Councillors |
| **NON-COUNCILLOR MEMBERSHIP WITH VOTING RIGHTS**<br><br>**N.B. Must adhere to Code of Conduct** | Maximum of 7 to include representatives from Business, Arts, Churches Together, Community organisations and NDP Heritage and Tourism topic group<br><br>NB Non Councillors cannot vote on any financial matters unless they pertain to tourism promotion and/or management of a festival |
| **MEMBERSHIP WITHOUT VOTING RIGHTS** | The committee may co-opt additional non-voting members |
| **FUNCTIONS** | **Winter Festival**<br><br>▪ To produce a community winter event within budget which incorporates the switching on of the Keynsham Christmas lights.<br><br>▪ To promote community involvement in the event.<br><br>▪ To promote sponsorship of the event<br><br>▪ To encourage participation by retailers, businesses, church groups, school groups and other local charity/community groups in Keynsham.<br><br>▪ To include activities, interests and performances suitable for all ages and abilities<br><br>▪ To provide a Christmas tree in the grounds of St. John's Church (to be agreed at the Annual Town Council meeting in May<br><br>**Events generally**<br><br>▪ To co-ordinate and deliver Town Council events (including Civic events and markets) within appropriate budgets<br><br>▪ To promote community involvement in Town Council events.<br><br>▪ To encourage participation by retailers, businesses, church groups, school groups and other local charity/community groups in Keynsham.<br><br>▪ To include activities, interests and performances suitable for all ages and abilities |

| | |
|---|---|
| | **Arts Development Activities**<br><br>▪ To monitor and deliver the budget(s) for the Keynsham Arts Development Activities<br><br>▪ To produce an Arts Plan for adoption by Keynsham Town Council to be reviewed annually<br><br>▪ To provide guidance and support to relevant organisations and Keynsham Town Council for the continued development and implementation of the Keynsham Arts Plan<br><br>▪ To advise the Council on support for other activities in Keynsham including arts, cultural and heritage events; local art groups and media organisations, performance spaces for theatre, music and other community activity and public art installations<br><br>▪ To liaise with B&NES, KMFA Ltd and other local bodies established for the promotion and/or management of arts and heritage facilities, events and activities<br><br>▪ To monitor the progress of the Keynsham Town Council Arts Plan and Timeline<br><br>▪ To oversee the production of the quarterly Keynsham Arts newsletter and produce suitable content for the quarterly Keynsham News<br><br>▪ To determine themes and deliver the poster displays at Keynsham Railway Station<br><br>▪ To promote open access to the Town, the arts and events<br>▪<br>**Marketing and Tourism**<br><br>▪ To develop a comprehensive long-term Tourism and Marketing strategy for Keynsham for approval by Town Council<br><br>▪ To make recommendations to the Town Council on how to develop Keynsham into a “Destination Brand”<br><br>▪ To make recommendations to the Town Council concerning the re-branding of |

| | |
|---|---|
| | Keynsham Town Council including armorial bearings etc<br><br>▪ To make recommendations on an appropriate new website design for the Town Council<br><br>▪ To make recommendations to Town Council on improvements and promotion of the Town centre and other areas of Keynsham to aid tourism and economic development<br><br>**Heritage**<br><br>• To keep under review the historical facilities of the town and the need for further development of such activities<br><br>• To monitor and report back to Council on project progress with B&NES in respect of the public realm developments in Keynsham Town Centre and its recent classification as a Heritage zone<br><br>• To consider heritage issues, matters relating to conservation areas and the listing of buildings (except so far as such matters fall under the remit of the Planning & Development Committee) and o make proposals as appropriate<br><br>• To consider methods to promote Keynsham's Heritage<br><br>Generally - To ensure all decisions are in accordance with Keynsham Town Council's adopted Policies and Financial Regulations |
| **DELEGATED POWERS** | To make decisions on behalf of Keynsham Town Council with regard to all budgets associated with Arts, Events and Tourism Activities (e.g. Bandstand, General Arts Activities, Winter Festival) |
| **REFERRED BUSINESS** | Any proposals involving either unbudgeted expenditure or use of earmarked reserves for Arts, Events or Tourism purposes |
| **QUORUM** | 3 Town Councillors. |
| **FREQUENCY OF MEETINGS** | Monthly from June to December and thence quarterly |

| NAME OF ~~WORKING PARTY~~<br><br>COMMITTEE | **Environment and Sustainability** |
|---|---|
| **MEMBERSHIP** | 7 Members of the Town Council<br><br>4 (Lead) Community Representatives<br>• Keynsham Plastics Reaction<br>• Keynsham Wombles<br>• Transition Keynsham<br>• Keynsham In Bloom<br><br>2 Business Representatives – one large employer, one High Street independent trader<br><br>1 B&NES Ward councillor<br><br>B&NES Cabinet member for Climate Emergency and Neighbourhoods |
| **OFFICERS** | • Nominated B&NES Officer<br>• Town Clerk or Deputy Town Clerk of Town Council |
| **TERMS OF REFERENCE** | (i) To make recommendations to the Town Council on an Action Plan to implement its Single Use Plastic Policy and monitor progress towards implementation and delivery of the 12 commitments<br><br>(ii) To formulate a climate change policy and action plan for adoption by Town Council, to include a proposed date for reaching net zero, and monitor progress towards implementation and delivery<br><br>(iii) To consider how the Town Council can best achieve its corporate objectives, priorities and actions so as to minimise or eliminate carbon emissions, single use plastics and the adverse impacts of climate change<br><br>(iv) To champion positive and constructive actions to support the climate change and single use plastics agendas across the Town Council's operations, actions and broader sphere of influence. |

| | |
|---|---|
| | (v) To act as the Council's principal point of reference, deliberation and advice for matters specifically relating to the reduction of single use plastics, carbon emissions and adaptation to the effects of climate change. Such matters would incorporate:<br>• the internal operations of the Council in support of the services it delivers and as an exemplar to external organisations;<br>• the services that the Council provides to the residents of Keynsham<br>• community leadership in facilitating and enabling actions across the town: including bringing together and working with key strategic partners and expert voices (especially via formal strategic partnership arrangements)<br>• influencing and interpreting county, regional and national policy for the benefit of Keynsham and B&NES<br><br>(vi) To make recommendations to Town Council on a sustainable procurement policy to address the climate change and single use plastics Agendas<br><br>(vii) To produce a list of preferred suppliers/products and a timescale for the Town Council to eliminate use of single use plastics from its operations<br><br>(viii) To make recommendations to the Town Council concerning the establishment and activities of a wider Community Forum and/or other methods for partnership working to facilitate and encourage implementation of the Single Use Plastics Policy and emerging Climate Emergency Policy across Keynsham |
| **DELEGATED POWERS** | None – advisory only |
| **QUORUM** | 3 Town Councillors. |
| **FREQUENCY OF MEETINGS** | As required |

| NAME OF COMMITTEE | Finance and Policy Committee |
|---|---|
| MEMBERSHIP WITH VOTING RIGHTS | 7 Members of Town Council |
| FUNCTIONS | i) To prepare a DRAFT budget for the forthcoming financial year for submission to Town Council no later than the December meeting<br>ii) To propose options to Town Council on the level of the precept<br>iii) To receive recommendations from Personnel,and other standing committees AND Working parties on proposed budgetry requirements for the forthcoming financial year<br>iv) To conduct a mid-year review of income and expenditure<br>v) To consider proposals and make recommendations to Town Council at its September meeting on activities and services and levels of income and expenditure for the following financial year<br>vi) To ensure that all financial requirements and reserves are managed in line with the Council's Financial Regulations<br>vii) To make recommendations to Council on borrowing policy, investment & treasury management<br>viii) To regularly monitor the performance of all funds invested<br>ix) To make an annual recommendation to Town Council on the level of general reserves according to the Financial Risks and Reserves Policy<br>x) to conduct an annual review of the effectiveness of the Town Council's system of internal control<br>xi) to recommend to Town Council that it publishes a statement on internal control (statement of assurance) each year with the Council's financial statements<br>xii) to assess the scope of the Internal Audit, its independence, its competence, audit planning and reporting |

| | |
|---|---|
| | xiii) to review the Internal Audit reports and make recommendations to Council<br>xiv) To verify Bank reconciliations quarterly and report to Full Council<br>xv) to review the Annual Return prior to approval by Full Council at the Annual Meeting (scheduling/timelines permitting)<br>xvi) To review Standing Orders, Financial Regulations and all other policies and protocols on an annual basis and also when requested by Council<br>xvii) To review annually all risk policy statements and risk management arrangements in respect of all activities of the Town Council<br>xviii) To make recommendations to Council on matters relating to governance, policies and procedures<br>xix) To make recommendations to Council on managing the exposure to perceived and potential risks<br>xx) To oversee the procurement process including requests for quotation and invitations to tender and make recommendations on contracts awarded<br>xxi) To ensure all decisions are in accordance with Keynsham Town Council's adopted Policies and Financial Regulations |
| **DELEGATED POWERS** | Power to spend up to £5,000 on items that are not part of any other Committee's budgetary responsibilities |
| **QUORUM** | 3 members of the committee |
| **FREQUENCY OF MEETINGS** | Monthly according to the approved Corporate Governance review timetable |

| NAME OF COMMITTEE | Grants |
|---|---|
| MEMBERSHIP WITH VOTING RIGHTS | 7 members of the Town Council, one of whom must be a member of Arts Joint Committee |
| FUNCTIONS | (i) To formulate a criteria for determining the eligibility for grant applications.<br><br>(ii) To determine the format of the applications forms and associated information necessary<br>(iii) To consider and determine every grant application within the agreed criteria and budget<br>(iv) Ensure publicity is undertaken involving all aspects of the grant process<br>(v) To monitor and manage the approved budget allocated to grants<br>(vi) To arrange and hold a grants presentation evening where successful applicants will be expected to attend to give a brief presentation on their group or organisation.<br>(vii) To receive a report from each applicant to back up their expenditure |
| DELEGATED POWERS | Authorised to exercise the functions of the Council in considering and assessing applications for financial grant aid and allocating awards as is deemed appropriate within the total predetermined budget for that purpose. |
| REFERRED BUSINESS | Any changes requested by the grant applicant to the grant awarded.<br><br>Requests to claim the grant in a different financial year to that already agreed. |
| QUORUM | 3 members of the Grants committee |
| FREQUENCY OF MEETINGS | Twice a year |

| NAME OF COMMITTEE | Personnel |
|---|---|
| MEMBERSHIP WITH VOTING RIGHTS | 7 members of the Town Council |
| FUNCTIONS | (i) To give consideration to all matters relating to:<br><br>(a) Terms of employment of staff<br>(b) Conditions of service of staff<br>(c) Welfare of staff<br>(d) Training of staff<br>(e ) Recruitment of staff(f) Employment Handbook(s) and policies therein<br><br>(ii)To keep under review employees' contracts of employment and examine the Council's responsibilities under the Health and Safety at Work etc. Act 1974;<br><br>(iii) in conjunction with The Town Council's HR advisers;<br>To review (and where necessary, implement) disciplinary and grievance procedures relating to staff, in accordance with the Employment Protection Acts, the provisions of the National Conditions of Service for Local Government Officers, Joint Negotiating committee for Youth & community Workers, ACAS, agreements made between the National Association of Local Councils and the Society of Local Council Clerks and in accordance with other relevant legislation<br>(iv)To discuss and resolve issues relating to staffing levels and re-grading, pay levels and staffing structures.<br><br>(v)To formulate and review procedures for the selection and recruitment of staff and, unless delegated to the Town Clerk, make the necessary arrangements for the interview and appointment of staff as required.<br><br>(Vi) To undertake an Annual salary review in November for incorporation in the draft budget presented to Town Council in December<br><br>(vi)To deal with any staff matters referred by The Clerk.<br><br>(vii) To consider any other matters delegated to the committee by the full Town Council. |
| DELEGATED POWERS | The Personnel Committee are authorised to make decisions on behalf of Keynsham Town Council in relation to Staffing matters and have financial responsibility for the annual salary budget and Annual |

| | |
|---|---|
| | Salary Review The overall purpose of this committee is to effectively and efficiently discharge the Council's duties as an Employer. |
| **REFERRED BUSINESS** | Any matters relating to Appeals where the Town Council is required to constitute an Appeals panel |
| **QUORUM** | 3 members of the committee |
| **FREQUENCY OF MEETINGS** | November for Annual review of salary budget and thereafter on an ad hoc basis |

| NAME OF COMMITTEE | Planning & Development |
|---|---|
| MEMBERSHIP WITH VOTING RIGHTS | 7 members of the Town Council |
| FUNCTIONS | Receive planning applications and related matters; consider comments and forward decisions, observations and comments to Bath & N.E. Somerset Council and/or any other appropriate authority.<br><br>To make observations/comments on planning policies and detailed local plans appropriate to the Town and make recommendations to the full Town Council.<br><br>To make observations/comments on tree preservation orders and listed building consents.<br><br>To deal with all matters relating to the creation, diversion and closure of public rights of way and open green spaces.<br><br>To comment on Traffic Orders to B&NES Council on Traffic Management matters.<br><br>Comment on license applications.<br><br>Nominate speaker(s) to represent the Town Council at B&NES Council planning meetings/committees. |
| DELEGATED POWERS | The Planning Committee are authorised to make decisions on behalf of Keynsham Town Council with regard to all FUNCTIONS |
| REFERRED BUSINESS | To consider and make recommendations to the Town Council on the following matters -<br><br>To make observations/comments on the Core Strategy, planning policies and detailed local plans appropriate to the Town. |
| QUORUM | 3 members of the planning committee |
| FREQUENCY OF MEETINGS | Every 3 weeks |

| NAME OF STEERING GROUP | NDP Steering Group |
|---|---|
| MEMBERSHIP WITH VOTING RIGHTS | 3 Members of the Council one of whom shall be Chair and one of whom shall be Vice Chair<br><br>Chair and Vice Chair of each of the following NDP Topic Groups who are Members of the Public<br>Heritage, Culture, Tourism, Marketing and Development of the Built Environment.<br><br>Recreation, Leisure, Sport, Health & Community Education<br><br>Roads, Transport, Parking and Infrastructure<br><br>Sustainability, Environmental and Ecological<br><br>Business and Economic Growth |
| FUNCTIONS | The purpose of the SG is to support the Town Council (TC) to coordinate the Keynsham Neighbourhood Development Plan (NDP) by undertaking the following tasks:<br>• Identifying key themes and issues for policies in the NDP<br>• Discuss with people who live, work and do business in the town on their needs, concerns and ideas about the key themes and issues<br>• Use the results of community questionnaire(s) in relation to the key themes and issues<br>• Drafting the policy(ies) as appropriate to address themes and issues<br>• Assist with preparation of NDP<br>• Assist with coordinating the community consultation<br>• Present the final draft NDP<br>• Publicise the referendum<br>• Implement and monitor the NDP<br>• Report progress to the Town Council, as requested |
| DELEGATED POWERS | The Steering Group can make decisions on all aspects of the preparation of the Neighbourhood Development Plan with the exception of financial matters/expenditure |
| REFERRED BUSINESS | Any matters relating to expenditure requires approval by Town Council |
| QUORUM | 3 members of the Steering Group |
| FREQUENCY OF MEETINGS | Ad hoc basis |
| | |

| NAME OF SUB-COMMITTEE | GDPR Sub-Committee |
|---|---|
| MEMBERSHIP WITH VOTING RIGHTS | 4 Members of the Finance & Policy Committee |
| MEMBERSHIP WITHOUT VOTING RIGHTS | Marketing and Communications staff member when available |
| FUNCTIONS | (i) To monitor the initial implementation of practices that are compliant with the General Data Protection Regulation 2018<br>(ii) To recommend policies and guidelines consistent with best practice compliance regarding all data protection principles, for consideration by Finance Committee and approval by Town Council.<br>(iii) To recommend a process for complying with data access requests<br>(iv) To recommend suitable GDPR training for Staff and Councillors<br>(v) To conduct an annual review of the Town Council's data management processes, procedures and policies and make recommendations to Finance & Policy Committee<br>(vi) To perform any other activities consistent with these terms of reference that are deemed appropriate by the Finance & Policy Committee<br>(vii) The Sub-Committee may invite to its meetings any person, (including staff and volunteers), who may be of assistance to the Sub-Committee in the exercise of its responsibilities. |
| DELEGATED POWERS | None – advisory only to Finance & Policy Committee, which in turn is advisory only to the Town Council. |
| QUORUM | 3 Town Councillors. |
| FREQUENCY OF MEETINGS | As required |

| NAME OF WORKING GROUP? | Consultation Response |
|---|---|
| **MEMBERSHIP** | 5 Members of Town Council including 3 from Planning & Development Committee |
| **FUNCTIONS** | (i) To formulate responses to consultations for consideration by either Planning & Development Committee or full Town Council as appropriate<br>(ii) The Group may invite to its meetings any person, (including staff and volunteers), who may be of assistance to the Group in the exercise of its responsibilities. |
| **DELEGATED POWERS** | To formulate and submit responses on behalf of the Town Council if there is insufficient time for a response to be considered by either the Planning & Development Committee or Full Town Council as appropriate |
| **QUORUM** | 3 Town Councillors. |
| **FREQUENCY OF MEETINGS** | As required |