

# Windlesham Parish Council

## 1. ARRANGEMENTS FOR DISCHARGE OF FUNCTIONS BY THE COUNCIL TO COMMITTEES

- 1 Subject to the appointment of the Bagshot Committee, Lightwater Committee, Windlesham Committee and Personnel/Staffing Committee as the Council's Standing Committees at the Annual Full Meeting of the Council, the following Terms of Reference and Delegated Functions are discharged to those Committees with the exception of the statutory and reserved duties listed below:
  - a. *Power to issue the Annual Precept;*
  - b. *The determination of borrowing limits;*
  - c. *Duty to consider an Auditor's Report;*
  - d. *Appointment of Committees and Members to serve on those Committees;*
  - e. *Fixing of Dates & Times of Council/Committee meetings;*
  - f. *Co-option of a Member to serve on the Council;*
  - g. *Delegation of Council Functions to Committees, and any other Functions that may be reserved by the Council including those duties indicated in the Standing Committees that will be referred up to Council.*

## 2. INTRODUCTION

2.1 This document sets out the manner in which Windlesham Parish Council has delegated its powers.

2.2 The legal basis of the delegation conferred by the Document is contained in the following provisions of the Local Government Act 1972:

"S. 101 Arrangements for discharge of function by local authorities

(1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions:

- (a) by a Committee, a sub-committee or an officer of the authority, or
- (b) by any other local authority

(2) Whereby virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee arrange for the discharge of any of those functions of a local authority and whereby virtue of this section any functions of a local authority may be discharged by a sub- committee of the authority, then, unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.

(3) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, sub- committee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.

(4) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge

of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.

(5) A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority."

2.3 It is desirable that in the interests of certainty in decision making and to avoid lengthy discussions in Council meetings, Standing Orders should discourage, so far as is legally possible, action being taken by the Council after the matter has been 'decided' by a Committee, or Sub-committee. If the Council feel, however, that action is necessary then normally it should refer the matter back to the Committee concerned.

2.4 The intention of the delegation scheme is that the Council should act with all reasonable speed. Decisions should be taken at the most suitable level and that officers are given power over the day-to-day administration of the Council.

### **3. THE 3 VILLAGES COMMITTEES - BAGSHOT/LIGHTWATER/WINDLESHAM (Committees appointed by Full Council)**

#### **3.1 Membership of the Committee**

- a. The Committee shall comprise of members, co-opted or elected at term or mid-term via a casual vacancy, of the village the committee is named after. i.e. Lightwater members will be members of the Lightwater Committee, Bagshot members will be members of the Bagshot Committee and Windlesham Members will be members of the Windlesham Committee. All other Councillors may act as nominated substitutes.
- b. Subject Matter Experts, whether from within or outside of Council may be invited to attend the meetings in a non-voting capacity.
- c. Any changes in membership of the Committee after the Annual Full Meeting of the Council shall be subject to approval at the next Full Council Meeting.
- d. The quorum of the Committee shall be a third of the Committee or three of its members, whichever is the greatest.
- e. Chairman of the Committee
  - i. The Committee shall elect its own Chairman at the first meeting of the Committee following the Annual Meeting of the Council.
- f. The Committee may elect a Vice-Chairman for the same term of office as the Chairman of the village committee.
- g. Minutes of Committee Meetings
- h. Meeting minutes shall be taken by a member of staff.
- i. The minutes of each meeting of the Committee shall be made available for scrutiny at the next meeting of Full Council.

#### 4. POWERS OF THE COMMITTEE

The Lightwater Committee shall be granted full delegated powers to deal with the following functions of the Council:

- a. Upon renewal of an existing Contract, tendering and procuring Contracts for its area. Full Council, as the legal entity, will sign off all contracts, subject to correct tendering process being followed and demonstration that the Committee can meet the expenditure.
- b. Burial Ground regulations and fees.
- i. The Committee shall ensure that its policies, regulations and fees as outlined in 4b above are reviewed annually.
- ii. The Committee shall consider and make rulings in respect of complaints or queries regarding regulations and fees as outlined in 4.b above.
- iii. The Committees shall extend resident-reduced fees to all residents of the parish in perpetuity
  - c. Spending its budget
  - d. Awarding Grants
  - e. Engaging and participating in Community events
  - f. Agree an annual budget to present to Full Council in the October Budget meeting
  - g. By means of a working party review planning applications within the village area and make recommendations to the planning committee or Full Council.
  - h. By means of a working party, make written representations for approval by the planning committee for submission to Planning Appeals or Hearings, if required.
  - i. To receive reports on Planning Decisions if supplied by the relevant planning authority
  - j. To receive and if necessary by means of a working party make recommendations to the planning committee, on the following: (a) Local Plans, (b) County Structure Plans, (c) Local Transport Plan, (d) Planning Strategy Documents/Planning Guidance, (e) Surrey Heath Borough Council Local Plan (Core Strategy Development Plan), etc
  - k. To comment on transportation and highways matters including public footpaths, bus services, traffic orders, traffic calming, street lighting, street cleansing, litter/litter bins, bus shelters, highway maintenance, highway schemes, etc.,
  - l. To receive and if necessary comment on information Reports submitted by the County Councillor for the Ward relating to any matters affecting the Village of Lightwater.
  - m. To receive and if necessary comment on environmental Issues including Air Quality Management Areas, Recycling facilities/initiatives, Monitoring Noise and other traffic pollution concerns, Health & Safety Risk Assessments/Reports,
  - n. Applications for Grant aid falling within the purview of the Committee. Full Council, as the legal entity, will sign off all grant aid applications, subject to the Committee demonstrating it can meet all the obligations required of the grant awarding body
  - o. To authorise, in advance, Members' attendances at Conferences/Seminars or other Meetings falling within the purview of the Committee,
  - p. To contribute to the Full Council's newsletter
  - q. To consider and accept tenders/quotations for works/equipment etc. falling within approved estimates, otherwise, the matter to be referred to Full Council for approval (this is if the cost of a project exceeds the estimate or is greater than the delegated committee's power and providing the village committee has the funds to do so) if a supplementary budget is required.
  - r. To incur expenditure on the budgeted and approved estimates for the current financial year on all budget headings that fall solely to that village, up to the respective amounts detailed in such estimates.

- s. To make recommendations to Full Council for any new capital schemes, including estimates for such schemes, for inclusion in the draft budgets for the next financial year and also items for inclusion in the draft revenue budgets.
- t. Decisions by committee that are to be considered by Full Council in order to meet statutory and legal requirements under due diligence and good governance arrangements are solely for endorsement. Council may ask questions and seek clarity but shall not unpick decisions made by committee.
- u. Should Council or Councillors feel that a decision made is not in the best interest of Council, this decision will be able to be called in. (Call in procedure to be linked to standing orders)

## **5. RESPONSIBILITIES AND AREAS OF OPERATION OF THE COMMITTEE**

- a. The Chairman of the Committee or, in the absence of the Chairman, the Vice-Chairman or, should a Vice-Chairman not be elected or present, another member of the Committee shall discuss the Committee's rulings with the public or the press when so required.
- b. The Committee shall ensure that any decisions or rulings which might be considered controversial or may result in adverse publicity for the Council are referred to the Proper Officer of the Council and or the Council as appropriate at the earliest opportunity and by means of extraordinary meetings if need be.
- c. The Committee shall ensure that the Responsible Financial Officer is informed of any decisions or rulings which have financial implications.

## **6.FINANCES**

- a. Subject to 1, 2 and 3 above the Lightwater Committee shall be responsible for managing its budget.
- b. The Committee budget shall be accrued by the precept generated in that village (SHBC base rate calculations apply) and any income generated by the village (if applicable).
- c. All Council wide costs will be shared by the village committees on the percentage basis detailed in appendix A. All village specific expenditure will be met by each village committee as detailed in appendix A.
- d. Subject to Financial Regulations the spending limit of each village committee shall be no more than £15,000 per single item.

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