



**Whitby**  
Town Council

# **TERMS OF REFERENCE & SCHEME OF DELEGATION**

Whitby Town Council  
Adopted May 2023



# Terms of Reference & Scheme of Delegation

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# Terms of Reference & Scheme of Delegation

## 1. DELEGATION OF POWERS

### 1.1. General

Committees may exercise delegated functions on behalf of the Town Council under the terms of reference on the following pages, subject to:-

- a) The Town Council's approved Budget and Financial Regulations;
- b) Any previous minuted decision of the Town Council.
- c) Any matters reserved to the Town Council by law.

Where powers or duties have been delegated to a Committee it shall be permissible for that Committee in turn to assign functions or delegate powers and duties to the Town Clerk or a Sub-Committee, provided that any action taken under delegated powers by the Town Clerk, or a Sub-Committee shall be reported to the next meeting of the appropriate Committee or Sub-Committee (or Council) for information.

A committee may set up a working group to investigate, consider and report back with recommendations on any issue.

Any power or duty which is delegated under this scheme is subject to Town Council policy and the approved budget and may also be exercised by the Town Council or any Committee which has delegated or further delegated that power or duty.

### 1.2. Chair's powers

- a) The Town Clerk may, in consultation with the Chair and Deputy Chair of a Committee or Sub-Committee, on that Committee's or Sub-Committee's behalf deal with, decide or take action on such matters within the Committee's or Sub-Committee's terms of reference as will not admit of delay, subject to a report indicating such action being submitted to the next meeting of the appropriate Committee or Sub-Committee.
- b) The Chair may, in consultation with the Town Clerk, decide whether to summon an extraordinary meeting of a Committee, or whether items submitted for Committee consideration will await consideration at the next scheduled meeting of the Committee.
- c) That (a) above be taken to include the Town Mayor (Chair of Council) in the absence of either the Chair or Deputy Chair (of the committee).
- d) The Town Mayor may attend any Committee or Sub-Committee meeting ex officio but, attending as such, they are not entitled to vote and cannot therefore be appointed as Chair of the meeting. However, they can be nominated as an ordinary member of a Committee and if so can be elected Chair

### **1.3. Delegation to the Town Clerk**

The following list of delegations to the Town Clerk may, from time to time, be further delegated to the Council's officers at the discretion of the Town Clerk.

- a) To be and carry out the functions of the Proper Officer under the Local Government Act 1972; to arrange and call meetings of the Town Council and its Committees and Sub-Committees; and to implement decisions thereof.
- b) The general management of the Council's services in accordance with the policies determined from time to time by the Council and its Committees, including dealing with correspondence and handling complaints and requests for information.
- c) The day-to-day management of the Town Council's facilities.
- d) The initiation of new arrangements and revision of existing arrangements for the improved management of Council establishment providing the estimated cost has been included in the current revenue budget.
- e) The determination of the use of existing office accommodation, the purchase of equipment and the authorisation of repairs and maintenance to all buildings and equipment within the financial limit of the current revenue budget.
- f) The management, development, appraisal and discipline of employees within the Council's approved establishment in accordance with the policies and procedures determined from time to time by the Human Resources Committee.
- g) The exercise of virement within a Committee's budget, after approval by the Finance Policy and General Purposes Committee.
- h) To be the nominated Data Management Officer of the Council under the Data Protection Act 1998 and to be responsible for responding to requests made under the Freedom of Information Act 2000.
- i) Any action necessary in an emergency to protect the Council's property or assets or minimise its liabilities, subject to consultation where practicable with the Mayor or Deputy Mayor and to report back to the next appropriate Council meeting.

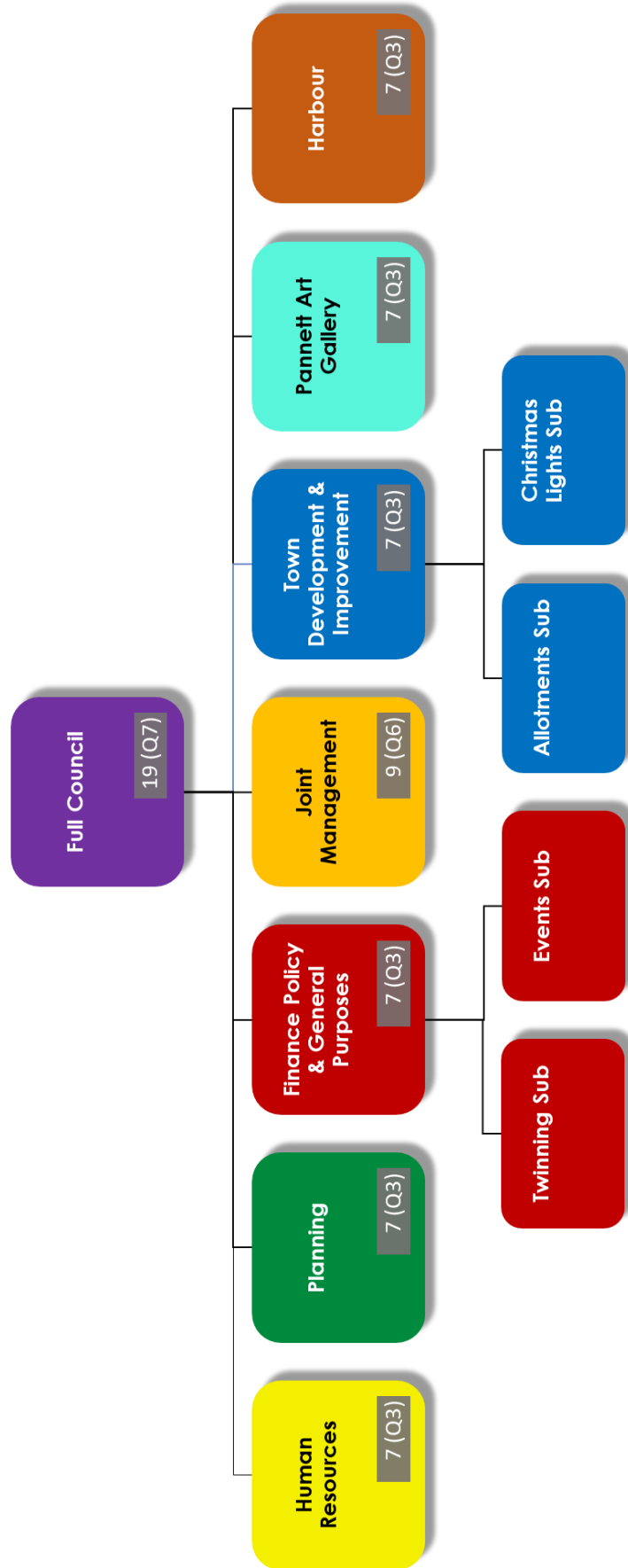
#### **Further Delegations**

The Council may from time-to-time further delegate action to the Town Clerk alone, or to the Town Clerk in consultation with the appropriate Committee Chair. Such delegation will be clearly minuted and revised accordingly.

### **1.4. Delegations to the Responsible Financial Officer**

- a) To be and carry out the functions of the Responsible Financial Officer under the Local Government Act 1972, including the maintenance of the Council's accounts, arrangements for internal audit and the preparation of budget estimates for the forthcoming year;
- b) To make arrangements to pay the salaries and wages of employees of the Council.

### 1.5. Committee Structure







## 2. HUMAN RESOURCES COMMITTEE

### 2.1. General

A Committee of the Town Council established to consider and make recommendations to the Council in relation to the deployment, welfare, superannuation, remuneration, recruitment, training, qualifications, health and safety aspects and other conditions of service of all employees and to ensure the Council's compliance with current legislation governing employment matters, including grievance, disciplinary, whistle-blowing, and equal opportunity policies and procedures.

### 2.2. Membership, Chair and Quorum

Number of Members	Seven plus the Mayor (ex officio)
Substitute Members Permitted	No
Appointments/Removals from Office	By resolution of full Council
Restrictions on Appointment	None, but recommended that both genders be represented.
Restrictions on Chair/Vice- Chair	None
Quorum	Four
Number of ordinary meetings per Council Year	Minimum of four
Current Sub-Committees	None

### 2.3. Terms of Reference

- a) To employ and remunerate officers, except the Town Clerk and RFO, on such terms and conditions of employment as it considers appropriate provided the Council has first approved a budget to meet the recruitment and first year employment costs of any such officer and such costs will be contained by the offer of employment made.
- b) To recruit, short-list and interview candidates for the post(s) of Town Clerk and RFO, and recommend to Council that an offer of employment at a specified point on the appropriate NALC pay-scale be made to the selected candidate. After ratification by Council, the Human Resources Committee then has the power to decide when the employment process is satisfactorily completed, including references received and medical certificates, and to confirm the offer of employment by issuing a contract of employment for acceptance by that candidate.
- c) To be responsible for appraising the performance of the Town Clerk and RFO annually, and to review the annual staff appraisals of all other Council employees conducted by the Town Clerk.

- d) To approve leave plans and absence through sickness; to grant special or compassionate leave of absence; and to approve staff attendance on training courses within the approved budget.
- e) To deal with all complaints relating to the conduct or performance of employees and to convene and determine the outcome of grievance and disciplinary hearings in accordance with the Council's grievance, disciplinary and whistle-blowing policies and procedures.
- f) To appoint an Appeals Sub-Committee when required to hear appeals in accordance with the Council's disciplinary and grievance procedures.
- g) To consider and implement as appropriate, any changes required to comply with Employment Law, Health and Safety Law, and terms and conditions of service as laid down by the National Joint Council (NJC 'Green Book') and Society of Local Council Clerks (SLCC).
- h) To prepare and approve job descriptions and annual performance objectives for all employees.
- i) Responsible for considering and making recommendations to Council regarding the Council's staffing structure and provision of office accommodation.
- j) Responsibility to consider and make recommendations to Council regarding schemes for the employment of people under job creation and youth training programmes.
- k) Responsible for preparing a draft revenue budget for each coming financial year in respect of the functions of the Town Council falling within the terms of reference of the Human Resources Committee and to submit that to the Finance & General Purposes Committee for consideration by not later than 31 December in any year.

#### **2.4. Delegated Powers**

- a) The functions identified in Section 3, above, are fully delegated to the Committee subject to any limitations or restrictions set out in the relevant paragraph.
- b) The Town Clerk or in the absence of the Town Clerk, the Deputy Town Clerk is authorised to act as and carry out the duties of the Senior Officer of the Council as necessary under the Council's employment, complaint, grievance and disciplinary procedures.
- c) Notes  
Following the election of the Chair and Deputy Chair of the Human Resources Committee at the first meeting of the Committee in each Council year, the order of business shall be as follows:
- d) Confirmation of the accuracy of the minutes of the last meeting of the Committee.
- e) Review of the terms of reference of the committee.
- f) Review and adoption of appropriate standing orders and policies and procedures relating to the functions of the Committee.
- g) Review of the Council's staffing levels and accommodation provision.

- h) Review Committee procedures, giving particular consideration to compliance with confidentiality and data protection policies when discussing employees and their personal data, including issues relating to their appointments, salaries, appraisals, health, discipline, grievance, dismissal and other terms and conditions.
- i) Review of the anticipated Committee workload for the coming year.



### 3. PLANNING COMMITTEE

#### 3.1. General

A Committee of the Town Council established to consider the environmental aspects of development in the Town and immediate surrounding area, and to monitor the activities of private developers, local authorities and public undertakings, including where appropriate such matters as highways, footpaths, and transport. In addition to consider and make recommendations to the Town Council in relation to the preparation of a Town Plan and subsequently a Neighbourhood plan.

#### 3.2. Membership, Chair and Quorum

Number of Members	Seven
Substitute Members Permitted	Yes – maximum of two to be appointed, but should be trained
Appointments/Removals from Office	By resolution of full Council
Restrictions on Appointment	None
Restrictions on Chair/Vice- Chair	None
Quorum	Four
Number of ordinary meetings per Council Year	As required for timely responses to planning applications (usually two per month, occurring on the second and fourth Tuesday of each month)
Current Sub-Committees	None

#### 3.3. Terms of Reference

- a) Responsibility to consider and formulate responses to consultations from North Yorkshire Council in relation to planning applications received by them relating to the use or development of land in the administrative area of the Town Council including, when appropriate, holding meetings with residents, developers or Planning Officers to assist in formulating those responses.
- b) Where it considers it appropriate or expedient to do so, to refer to full Council the consideration and formulation of responses to planning applications with potentially significant effect or public interest relating to the use or development of land in the administrative area of the Town Council.
- c) Responsibility to consider and formulate responses to consultations from North Yorkshire Council in relation to licensing applications received by them, including attending and giving evidence on any licensing application hearings if required.

- d) Where it considers it appropriate or expedient to do so, to make representations to North Yorkshire Council in relation to :-
- actual or suspected breaches of planning control including the failure to comply with any condition or limitation to which a grant of planning permission was subject or the failure to comply with the requirements of an extant planning enforcement notice;
  - applications for lawful development certificates; and
  - the making or refusal to make or confirmation or failure to confirm, a Tree Preservation Order; and
  - any concerns about licensed premises
- e) Where it considers it appropriate or expedient to do so, to make representations to North Yorkshire Council, the Planning Inspectorate or the Secretary of State in relation to any appeals against the decision of North Yorkshire Council as the local planning authority to issue an enforcement notice or refuse to grant planning permission or refuse to issue a Lawful Development Certificate.
- f) Where it considers it appropriate or expedient to do so, to make representations to North Yorkshire Council in relation to public highways, rights of way, and public transport facilities located within the administrative area of the Town Council or in relation to access provision for those with disabilities,.
- g) Responsible for considering, commenting on and monitoring the Local Development Framework, Planning Policy Guidance, Town and Country Planning acts etc. or, where it considers it appropriate or expedient to do so, to refer to full Council the consideration and formulation of such responses.
- h) To formulate and make recommendations to Council in relation to any strategies, plans or policies for the preparation of a Town Plan and subsequently a Neighbourhood Plan which contributes to the economic social or environmental well-being of the community of Whitby.
- i) On behalf of the Council, responsible for liaising with North Yorkshire Council in relation the preparation of a Town Plan and subsequently a Neighbourhood plan
- j) Responsible making comment on licensing applications where applicable and making representation to the Licensing Authority and Police where applicable
- k) Responsible for formulating and making recommendations Council in relation to any strategies, plans or policies intended to improve the control of licensed premises in Whitby.
- l) Responsible for attending training on licensing issues where applicable
- m) Responsible for preparing a draft revenue budget for each coming financial year in respect of the functions of the Town Council falling within the terms of reference of the Planning Committee (including members' training on planning matters) and to submit that to the

Finance & General Purposes Committee for consideration by not later than 31 December in any year.

### **3.4. Delegated Powers.**

- a) The functions identified in Section 3 above are fully delegated to the Committee.
- b) The Town Clerk or in the absence of the Town Clerk, the Deputy Town Clerk is authorised to write to the relevant local planning authority giving the representations of the Committee in relation to any planning application or other representation the Committee deems appropriate or expedient to make in relation to the functions listed above.
- c) The Chair or in the absence of the Chair, the Deputy Chair, is authorised to speak in support of the Committee's representations at meetings of North Yorkshire Council's Planning Committees or Planning Inspectorate hearings.

### **3.5. Substitution**

- a) The appointment of a substitute member is only valid if the Town Clerk or Deputy Town Clerk has been notified by the appointing member of the identity of the substitute member prior to the start of the meeting.
- b) A duly appointed substitute shall be entitled to exercise all the powers of the appointing member including the power to propose motions, speak and vote save that a duly appointed substitute for the Chair shall not thereby be entitled to preside at the meeting.
- c) If at any time the appointing member attends the meeting Standing Order 15(a) (v) will apply (an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;)

### **Notes**

Following the election of the Chair and Deputy Chair of the Planning Committee at the first meeting of the Committee in each Council year, the order of business shall be as follows:

- a) Confirmation of the accuracy of the minutes of the last meeting of the Committee.
- b) Review of the terms of reference of the Committee.
- c) Review of delegation arrangements to employees
- d) Review and adoption of appropriate standing orders, policies and procedures relating to the functions of the Committee.
- e) Review of the training needs in relation to planning matters of any Committee member or nominated substitute.
- f) Review of the anticipated Committee workload for the coming year.





## 4. FINANCE POLICY & GENERAL PURPOSES COMMITTEE

### 4.1. General

A Committee of the Town Council established to consider and make recommendations to the Town Council in relation to financial management, risk management, and policy to formulate and make recommendations to Council to support its overall strategic direction and long-term vision for the economic, social, and environmental well-being of the administrative area of the Council, by regularly reviewing organisation structures, governing documents, policies and procedures in order to improve the Council's effectiveness, and any other matter not falling within the terms of reference of another Committee or Sub-Committee of the Town Council.

### 4.2. Membership, Chair and Quorum

Number of Members	Seven
Substitute Members Permitted	Yes: maximum of 3 to be appointed
Appointments/Removals from Office	By resolution of full Council
Restrictions on Appointment	None
Restrictions on Chair/Vice- Chair	None
Quorum	Four
Number of ordinary meetings per Council Year	Minimum of six
Current Sub-Committees	Twinning

### 4.3. Terms of Reference

- a) To consider and make recommendations to the Council in relation to the annual expenditure plans of the Town Council including the preparation of draft revenue and capital budgets for each Committee and a draft summary revenue budget for the Town Council as a whole showing the contribution to be made towards expenditure by way of the levying of a precept.
- b) To consider and approve the establishment and maintenance of robust systems of internal financial controls including treasury management and banking arrangements in accordance with relevant accounting and audit conventions and the recommendations of the external auditors.
- c) To consider and approve the Town Council's final accounts prior to their approval by the Council and submission to the external auditor.
- d) To consider quarterly income and expenditure monitoring reports from the Responsible Financial Officer and to report any significant variances to Council.

- e) To consider and recommend to Council in January each year, the full and sufficient valuation of the Pannett Art Gallery and Museum Buildings, against loss or damage by fire, to be the sum insured for the ensuing year. (The valuation approved by Council and justification thereof is to be supplied to the trustees of the Whitby Literary and Philosophical Society in January each year, in compliance with the Council's legal obligations)
- f) To consider and recommend to Council in January each year, the full and sufficient valuation of the Pannett Art Gallery collection against loss, or damage by fire, to be the sum insured for the ensuing year. (The maintenance of an accurate inventory and current valuation is the delegated responsibility of the Pannett Art Gallery Committee.)
- g) To consider and report to Council on any recommendation from this or any other Committee that exceeds the agreed capital and revenue budgets for the current financial year or that carries financial implications for future financial years.
- h) Responsible for authorising all payments made on behalf of the Council within the agreed budget and for authorising virements of unspent provision to maintain the overall budget strategy, subject to approval by full Council. (See Financial Regulations) Responsible for renewal of approvals for the use of electronic payment methods (BACS CHAPS) and Direct Debits every 2 years.
- i) Overall responsibility for strategic and operational risk management including the management of risk by insurance, including the procurement, placing and renewal of such policies of insurance covering such risks and with such policy excesses at such premiums as it considers necessary or expedient.
- j) Responsible for the strategic management of the Council's land and property assets including the power to recommend to Council that an asset be acquired or disposed of together with the terms governing such acquisition or disposal. The Register of Assets to reviewed in March each year.
- k) Responsible for authorising Members' attendance at conferences, training courses and meetings within the agreed budget.
- l) Responsible for responding to consultative documents from Government and other bodies, other than those specifically allocated to other Committees or Sub-Committees by request of full Council.
- m) Responsible for entering into legal proceedings, as required, on the Council's behalf.
- n) Responsible for formulating and submitting to the Council for approval the policy, award criteria and conditions of grant governing the award of community grants (under the 'Community Grants Policy').
- o) Responsible for the civic aspects of Town Twinning including defining the terms of reference for, and composition of, the Twinning Sub-Committee.
- p) Responsible for liaising with and making recommendations to Council in relation to the business community.

- q) Responsible for reviewing and making recommendations to Council and other Committees on Standing Orders, Financial Regulations, Committee structure and terms of reference, schemes of delegations, policies and procedures.
- r) Responsible for progression of the Council's application for Quality Status and subsequent re-applications.
- s) Responsible for formulating and recommending to Council actions to assist in meeting the prescribed conditions for the Council to be eligible to exercise the power of well-being.
- t) Responsible for the process and practice of consultations and communication with persons living or working in the administrative area of Whitby Town Council about the activities and decisions of Council, including the website and newsletter.
- u) Responsible for monitoring the Council's performance in relation to the Data Protection Act 1998 and the Freedom of Information Act 2000; for hearing any appeals or complaints made to Council under those acts; and for reviewing and making recommendations to Council on any changes required to policies and procedures to comply with those Acts.
- v) Responsible for preparing and submitting for Council approval funding applications to external bodies in support of the functions of the Council.
- w) Responsible for making recommendations to Council in relation to all matters not falling within the terms of reference of any other Committee or Sub-Committee of the Council.

#### **4.4. Delegated Powers**

- a) The functions identified in Section 3, above, are fully delegated to the Committee subject to any limitations or restrictions set out in the relevant paragraph.
- b) The Town Clerk or in the absence of the Town Clerk, the Deputy Town Clerk is authorised to act as and carry out the duties of the Responsible Financial Officer.

#### **4.5. Substitution**

- a) Up to three members may be appointed by Council as nominated substitutes for members of the Committee unable to attend a meeting. It is the responsibility of the Committee member to contact one of the nominated substitutes to request their attendance as a replacement.
- b) The participation of a substitute member is only valid if the Town Clerk or Committee Clerk has been notified by the appointing member of the identity of the substitute member prior to the meeting.
- c) A duly appointed substitute shall be entitled to exercise all the powers of the appointing member including the power to propose motions, speak and vote save that a duly appointed substitute for the Chair shall not thereby be entitled to preside at the meeting. If the Chair is absent, the Deputy Chair shall chair the meeting; if the Deputy Chair is also

absent, the Committee shall elect one of the members present to chair the meeting.

- d) If at any time the appointing member attends the meeting Standing Order 15(a) (v) will apply (an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv)) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;)

## Notes

Following the election of the Chair and Deputy Chair of the Finance Policy & General Purposes Committee at the first meeting of the Committee in each Council year, the order of business shall be as follows:

- a) Confirmation of the accuracy of the minutes of the last meeting of the Committee.
- b) Review of the terms of reference of the Committee.
- c) Review of the terms of reference of any sub-committee(s) of the Finance & General Purposes Committee
- d) Review of delegation arrangements to employees and to any sub-committee(s) of the Finance & General Purposes Committee
- e) Review and adoption of appropriate standing orders, financial regulations, policies and procedures relating to the functions of the Committee.
- f) Review of inventory of land and assets including buildings and office equipment.
- g) Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- h) Review of the grant conditions of any current external funding.
- i) Review of the anticipated Committee workload for the coming year.

## 5. TWINNING SUB-COMMITTEE

### 5.1. General

A Sub-Committee of the Finance & General Purposes Committee established to consider and carry out the functions required for the promotion of the Town's Twinning links, on behalf of the Town Council

#### Membership, Chair and Quorum

Number of Members	Six Councillors (to include the Town Mayor)
Substitute Members Permitted	1
Appointments/Removals from Office	By resolution of full Council
Restrictions on Appointment	None
Restrictions on Chair/Vice- Chair	None
Quorum	3
Number of ordinary meetings per Council Year	As and when required
Current Sub-Committees	None

### 5.2. Terms of Reference

- a) Responsible maintaining and promoting links with the Twin Towns
- b) Responsible for arranging for the welcome and hosting of appropriate
- c) Responses to representatives of Twin Towns
- d) Responsible for formulating and making recommendations to Finance & General Purposes Committee in relation to any strategies, plans or policies intended to improve and promote the links with Whitby's Twin Towns.
- e) Responsible for requesting appropriate funding from the Finance & General Purposes Committee as and when required
- f) Responsible for administering any funds allocated to Twinning purposes subject to agreement of Finance & General Purposes Committee

### 5.3. Delegated Powers

- a) The matters referred to in Sections 3, above, are fully delegated.

#### Notes

Following the election of the Chair and Deputy Chair of the Twinning Sub-Committee at the first meeting of the Sub-Committee in each Council year, the order of business shall be as follows:

- a) Confirmation of the accuracy of the minutes of the last meeting of the Sub-Committee.
- b) Review of the terms of reference of the Sub-Committee.
- c) Review of delegation arrangements to employees

- d) Review and adoption of appropriate standing orders, policies and procedures relating to the functions of the Sub-Committee.
- e) Review of the anticipated Sub-Committee workload for the coming year.

## 6. EVENTS SUB-COMMITTEE

### 6.1. General

A Sub-Committee of the Finance & General Purposes Committee established to consider and carry out events and functions required for the promotion of the Town through Armed Forces Events, Christmas Festival and Market, Tour de Yorkshire and any other events on behalf of the Town Council

### 6.2. Membership, Chair and Quorum

Number of Members	Five Councillors (to include the Town Mayor)
Substitute Members Permitted	1
Appointments/Removals from Office	By resolution of full Council
Restrictions on Appointment	None
Restrictions on Chair/Vice- Chair	None
Quorum	3
Number of ordinary meetings per Council Year	As and when required
Current Sub-Committees	None

### 6.3. Terms of Reference

- a) Responsible for the organizing and hosting of Armed Forces Events, Christmas Festival and Market, Tour de Yorkshire and any other events as required.
- b) Responsible for formulating and making recommendations to Finance & General Purposes Committee in relation to any strategies, plans or policies intended to improve and promote Whitby events
- c) Responsible for requesting appropriate funding from the Finance & General Purposes Committee as and when required
- d) Responsible for administering any funds allocated to Event purposes subject to agreement of Finance & General Purposes Committee
- e) Responsible for obtaining grants or external funding where available.

### 6.4. Delegated Powers.

- a) The matters referred to in Section 3, above, are fully delegated.

#### Notes

Following the election of the Chair and Deputy Chair of the Events Sub-Committee at the first meeting of the Sub-Committee in each Council year, the order of business shall be as follows:

- a) Confirmation of the accuracy of the minutes of the last meeting of the Sub-Committee.
- b) Review of the terms of reference of the Sub-Committee.

- c) Review of delegation arrangements to employees
- d) Review and adoption of appropriate standing orders, policies and procedures relating to the functions of the Sub-Committee.
- e) Review of the anticipated Sub-Committee workload for the coming year.



## 7. (PANNETT ART GALLERY & WHITBY MUSEUM) JOINT MANAGEMENT COMMITTEE

### 7.1. General

A Committee of the Town Council, established by High Court Order, amongst other things to “repair, maintain and keep in a good and proper state of repair and condition (both inside and outside) the buildings constituting the Art Gallery and the Museum building including the Kendal Room, in Pannett Park” having due regard to “the purposes for which the buildings are to be used and the nature and value of the contents thereof.”

*Note: The contents of the Art Gallery are held in trust by the Town Council on behalf of the inhabitants of Whitby. The contents of the Museum are held in trust by the Whitby Literary and Philosophical Society for the inhabitants of Whitby. The contents of the Library and Archives are the sole property of the Whitby Literary and Philosophical Society.*

### 7.2. Membership, Chair and Quorum

Number of Members	Nine councillors to include the Chair of the Finance & Gen Purposes Committee, the Chair of the Human Resources Committee, 7 members of the PAG Committee - and 6 nominees from the Whitby Literary & Philosophical Society – total 15
Substitute Members Permitted	Yes: any member of Town Council
Appointments/Removals from Office	Councillors: by resolution of full Council. Society members by resolution of Lit & Phil Management Committee
Restrictions on Appointment	None
Restrictions on Chair/Vice- Chair	Chair & Vice Chair must be a Councillor.
Quorum	6 Councillors – 4 Lit and Phil
Number of ordinary meetings per Council Year	Minimum of 4
Current Sub-Committees	None

### 7.3. Terms of Reference

Under the terms of the 999 year lease<sup>1</sup>: **The JMC is to perform the following and only the following functions:**

- a) It shall carry out the rights and duties of the Council for the maintenance of the fabric both of the Art Gallery and of the Museum and of any new or additional buildings which may be erected by virtue of the conditions hereof and the heating and lighting and other administrative services of all the said buildings, as a committee of the Council, those being the rights and duties set forth in the Lease.
- b) It shall determine where its meetings shall take place.
- c) It may, prior to the termination of each year ending 2nd October, by resolution, direct that the Society shall pay to the Council a sum, as a contribution towards the costs and expenses to be incurred by the Council under the Lease, provided that the Society shall not be required to pay to the Council in any year a sum or sums exceeding in the aggregate 60 per centum of the total amount of the monies received by the Society in such year in respect of charges for admission to the museum or other rooms or buildings.
- d) It may:
  - i Authorise the Art Gallery or any new buildings erected by the Council in Pannett Park to be used for any official or public ceremonies or for the purposes of holding therein concerts art exhibitions or lectures or for other cultural purposes; and
  - ii provide for the admission of the public thereto during the periods of any such user upon such terms as to payment or otherwise and on such conditions as it may from time to time think fit.
- e) It shall:
  - i develop a scheme of work to best ensure that each of the above functions is performed;
  - ii monitor and review the same;

### 7.4. Delegated Powers.

- a) The matters referred to in Section 3, above, are fully delegated.

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<sup>1</sup> The Legal Orders and Leases under which this Committee holds its terms of reference are:

i) Order of the Chancery division of the High Court of Justice made on 5<sup>th</sup> November 1948 re: lease dated 15 August 1931.

ii) 999-year lease between Whitby Urban District Council and Whitby Literary and Philosophical Society dated 2 June 1953 and a supplemental lease dated 10 February 2003.

*Note: Whitby Town Council is the assigned successor to Whitby Urban District Council in respect of these documents.*

- b) The Town Clerk or in the absence of the Town Clerk, the Deputy Town Clerk is authorised to act as and carry out the duties of the Responsible Financial Officer.
- c) The Town Clerk or in the absence of the Town Clerk, the Deputy Town Clerk is authorised to act as and carry out the duties of the Senior Officer of the Council in respect of the Council's employees in the Museum and Art Gallery building.

#### **7.5. Substitution**

- a) Up to three members may be appointed by Council as nominated substitutes for members of the Committee unable to attend a meeting. It is the responsibility of the Committee member to contact one of the nominated substitutes to request their attendance as a replacement.
- b) The participation of a substitute member is only valid if the Town Clerk or Committee Clerk has been notified by the appointing member of the identity of the substitute member prior to the meeting.
- c) A duly appointed substitute shall be entitled to exercise all the powers of the appointing member including the power to propose motions, speak and vote save that a duly appointed substitute for the Chair shall not thereby be entitled to preside at the meeting. If the Chair is absent, the Deputy Chair shall chair the meeting; if the Deputy Chair is also absent, the Committee shall elect one of the members present to chair the meeting.

*If at any time the appointing member attends the meeting Standing Order 15(a) (v) will apply (an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;)*

#### **Notes**

Following the election of the Chair and Deputy Chair of the Joint Management Committee at the first meeting of the Committee in each Council year, the order of business shall be as follows:

- a. Confirmation of the accuracy of the minutes of the last meeting of the Committee.
- b. Review of the terms of reference of the Committee.
- c. Review of delegation arrangements to employees
- d. Review and adoption of appropriate standing orders, policies and procedures relating to the functions of the Committee.
- e. Review of the anticipated Committee workload for the coming year.

*Note: The terms of reference for the Art Gallery Committee will be determined by the Council as the trustees of the Art Gallery and its collections.*



## 8. TOWN DEVELOPMENT & IMPROVEMENT COMMITTEE

### 8.1. General

A Committee of the Town Council established to consider and make recommendations to Council in relation to the maintenance and improvement of town facilities in order to ensure a high standard of provision; and to manage the Council's allotments; and to liaise with North Yorkshire Council (the unitary authority) in respect of services and facilities provided by them and to make recommendations to Council in relation to the management of facilities in the Town. To develop strategies, plans, projects or services to improve the wellbeing of persons who live, work or spend leisure time in the town and so contribute to a sustainable local community

### 8.2. Membership, Chair and Quorum

Number of Members	Seven
Substitute Members Permitted	Yes: maximum of 3 to be appointed
Appointments/Removals from Office	By resolution of full Council
Restrictions on Appointment	None but recommended at least one member from each ward.
Restrictions on Chair/Vice- Chair	None
Quorum	Four
Number of ordinary meetings per Council Year	A minimum of four
Current Sub-Committees	Allotments /Armed Forces WP

### 8.3. Terms of Reference

- a) To formulate and make recommendations to Council in relation to any strategies, plans or policies intended to improve the provision and maintenance of town facilities, so contributing to the economic social or environmental well-being of persons who live, work or spend leisure time in the administrative area of the Town Council.
- b) On behalf of the Council as the trustees of Pannett Park, responsible for liaising with North Yorkshire Council, and monitoring the effectiveness of the maintenance contract for Pannett Park, referring issues to the trustees where it considers it appropriate or expedient to do so.
- c) Responsible for liaising with the Friends of Pannett Park, Whitby in Bloom, and similar volunteer groups in relation to their activities to improve the local environment.
- d) Responsible for considering and making recommendations to Council in relation to applications made under the Community Grants Policy.
- e) Responsible for the management of the Town Council's allotment holdings within the approved budget.

- f) Responsible for liaising with North Yorkshire Council and making recommendations to Council in relation to recreation and amenities facilities in the administrative area of the Town Council, including traffic management, crime prevention, street cleaning, signage, waste management, cemeteries, play areas, playing fields, sport and leisure facilities, recreation grounds, public open spaces, and public conveniences
- g) Responsible for evaluating and making recommendations to Council on the delegation of appropriate services to the Town Council from other authorities
- h) Responsible for identifying the need for new services and facilities and developing strategies, plans, and projects to improve the well-being of persons who live, work or spend leisure time in the town.
- i) Responsible for preparing a draft revenue budget for each coming financial year in respect of the functions of the Town Council falling within the terms of reference of the Town Improvement Committee and to submit that to the Finance & General Purposes Committee for consideration by not later than 31 December in any year.

#### **8.4. Delegated Powers.**

- a) The matters referred to in Section 3, above, are fully delegated.

#### **8.5. Substitution**

- a) Up to three members may be appointed by Council as nominated substitutes for members of the Committee unable to attend a meeting. It is the responsibility of the Committee member to contact one of the nominated substitutes to request their attendance as a replacement.
- b) The participation of a substitute member is only valid if the Town Clerk or Committee Clerk has been notified by the appointing member of the identity of the substitute member prior to the meeting.
- c) A duly appointed substitute shall be entitled to exercise all the powers of the appointing member including the power to propose motions, speak and vote save that a duly appointed substitute for the Chair shall not thereby be entitled to preside at the meeting. If the Chair is absent, the Deputy Chair shall chair the meeting; if the Deputy Chair is also absent, the Committee shall elect one of the members present to chair the meeting.
- d) If at any time the appointing member attends the meeting Standing Order 15(a) (v) will apply (an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;)

**Notes**

Following the election of the Chair and Deputy Chair of the Planning Committee at the first meeting of the Committee in each Council year, the order of business shall be as follows:

- a) Confirmation of the accuracy of the minutes of the last meeting of the Committee.
- b) Review of the terms of reference of the Committee.
- c) Review of delegation arrangements to employees
- d) Review and adoption of appropriate standing orders, policies and procedures relating to the functions of the Committee.
- e) Review of the anticipated Committee workload for the coming year.





## 9. ALLOTMENTS SUB-COMMITTEE

### 9.1. General

A Sub-Committee of the Town Improvement Committee established to manage the maintenance and improvement of the Allotments, which are administered by the Town Council.

### 9.2. Membership, Chair and Quorum

Number of Members	Six Councillors
Substitute Members Permitted	Two to be appointed
Appointments/Removals from Office	By resolution of full Council
Restrictions on Appointment	None
Restrictions on Chair/Vice- Chair	None
Quorum	3
Number of ordinary meetings per Council Year	Minimum of 4
Current Sub-Committees	None

### 9.3. Terms of Reference

- a) Responsible for the control and day-to-day operation of Allotments within the agreed budget, including collection of rents, issuing of tenancies and leases as required and maintaining an up to date waiting list for vacancies.
- b) Responsible for the maintenance, and improvement of the Allotments, within the agreed budget.
- c) Responsible for formulating and making recommendations to Town Improvement Committee in relation to any strategies, plans or policies intended to improve the provision, or maintenance of Allotments.
- d) Formulate and make recommendations to Council in relation to strategies, plans or policies intended to improve the provision or facilities at the Allotments which require financial outlay in excess of the agreed budget.
- e) Formulate and make recommendations to Council in respect of expenditure from reserved funds for Allotments maintenance
- f) Responsible for preparing a draft revenue budget for each coming financial year in respect of the functions falling within the terms of reference Allotments Sub Committee and to submit that to Town Improvement Committee for consideration by not later than 30 November in any year.
- g) Responsible for maintaining accurate records of the tenancies and leases of the Allotments and allocation of vacancies in strict order to the waiting list.

- h) Responsible liaising with Allotment holders on a regular basis to ensure that all tenancies and leases are being adhered to

#### **9.4. Delegated Powers.**

- a) The matters referred to in Section 3, above, are fully delegated.
- b) The Town Clerk or in the absence of the Town Clerk, the Deputy Town Clerk is authorised to act as and carry out the duties of the Responsible Financial Officer.

#### **Notes**

Following the election of the Chair and Deputy Chair of the Allotment Sub-Committee at the first meeting of the Sub-Committee in each Council year, the order of business shall be as follows:

- a) Confirmation of the accuracy of the minutes of the last meeting of the Sub-Committee.
- b) Review of the terms of reference of the Sub-Committee.
- c) Review of delegation arrangements to employees
- d) Review and adoption of appropriate standing orders, policies and procedures relating to the functions of the Sub-Committee.
- e) Review of the anticipated Sub-Committee workload for the coming year.

## 10. PANNETT ART GALLERY COMMITTEE

### 10.1. General

A Committee of the Council established to manage the maintenance and improvement of the Art Gallery and Art Collection, which is held in trust by the Town Council.

### 10.2. Membership, Chair and Quorum

Number of Members	Seven councillors, which will be 7 of the 9 councillor members of the Pannett Art Gallery and Museum Joint Management Committee.
Substitute Members Permitted	2
Appointments/Removals from Office	By resolution of full Council
Restrictions on Appointment	None
Restrictions on Chair/Vice- Chair	None
Quorum	4
Number of ordinary meetings per Council Year	Minimum of 4
Current Sub-Committees	None

### 10.3. Terms of Reference

- a) Responsible for the control and day-to-day operation of the Art Gallery and Art Collection within the agreed budget.
- b) Responsible for the curation, maintenance, and presentation of the Art Gallery collection, within the agreed budget.
- c) Responsible for formulating and making recommendations to Pannett Art Gallery and Museum Joint Management Committee in relation to any strategies, plans or policies intended to improve the joint provision, maintenance, and marketing of the building and its facilities.
- d) Responsible for considering and implementing measures to safeguard the security of the Art Gallery and Art Collection within the agreed budget.
- e) Responsible for implementing health and safety measures and procedures to safeguard employees, users, and visitors to the Art Gallery, within the agreed budget.
- f) Responsible for implementing measures and procedures to lower the environmental impact of the Art Gallery and activities therein, within the agreed budget.
- g) Formulate and make recommendations to Council in relation to strategies, plans or policies intended to improve the provision, use or

- maintenance of the Art Gallery and Art Collection, which require financial outlay in excess of the agreed budget.
- h) Formulate and make recommendations to Council in respect of expenditure from reserved funds for new acquisitions to, or restoration or repair of the Art Gallery collections.
  - i) Responsible for preparing a draft revenue budget for each coming financial year in respect of the functions falling within the terms of reference of the Joint Management Committee and to submit that to the Joint Management Committee for consideration by not later than 30 November in any year.
  - j) Responsible for maintaining an accurate inventory and valuation of the Art Gallery collection and submitting the same to the Finance and General Purposes Committee for insurance purposes by not later than 31 December in any year.
  - k) Responsible for preparing a draft revenue budget for each coming financial year in respect of the functions falling within the terms of reference of the Art Gallery Trustees and to submit that to the Finance & General Purposes Committee for consideration by not later than 31 December in any year.

#### **10.4. Delegated Powers.**

- a) The matters referred to in Section 3, above, are fully delegated.
- b) The Town Clerk or in the absence of the Town Clerk, the Deputy Town Clerk is authorised to act as and carry out the duties of the Responsible Financial Officer.
- c) The Town Clerk or in the absence of the Town Clerk, the Deputy Town Clerk is authorised to act as and carry out the duties of the Senior Officer of the Council in respect of the Council's employees in the Museum and Art Gallery building.

#### **10.5. Substitution**

- a) Up to three members may be appointed by Council as nominated substitutes for members of the Committee unable to attend a meeting. It is the responsibility of the Committee member to contact one of the nominated substitutes to request their attendance as a replacement.
- b) The participation of a substitute member is only valid if the Town Clerk or Committee Clerk has been notified by the appointing member of the identity of the substitute member prior to the meeting.
- c) A duly appointed substitute shall be entitled to exercise all the powers of the appointing member including the power to propose motions, speak and vote save that a duly appointed substitute for the Chair shall not thereby be entitled to preside at the meeting. If the Chair is absent, the Deputy Chair shall chair the meeting; if the Deputy Chair is also absent, the Committee shall elect one of the members present to chair the meeting.
- d) If at any time the appointing member attends the meeting Standing Order 15(a) (v) will apply (an ordinary member of a committee who has

been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;)

**Notes**

Following the election of the Chair and Deputy Chair of the Pannett Art Gallery Committee at the first meeting of the Committee in each Council year, the order of business shall be as follows:

- a) Confirmation of the accuracy of the minutes of the last meeting of the Committee.
- b) Review of the terms of reference of the Committee.
- c) Review of delegation arrangements to employees
- d) Review and adoption of appropriate standing orders, policies and procedures relating to the functions of the Committee.
- e) Review of the anticipated Committee workload for the coming year.



## 11. HARBOUR COMMITTEE

### 11.1. General

A Committee of the Town Council established to consider and make recommendations to the Town Council in relation to matters pertaining to Whitby harbour and port area.

### 11.2. Membership, Chair and Quorum

Number of Members	7
Substitute Members Permitted	Yes: maximum of two to be appointed
Appointments/Removals from Office	By resolution of full Council
Restrictions on Appointment	None.
Restrictions on Chair/Vice- Chair	None
Quorum	4
Number of ordinary meetings per Council Year	Minimum of 3
Current Sub-Committees	None

### 11.3. Terms of Reference

- a) To formulate and make recommendations to Council in relation to any strategies, plans or policies intended to improve the provision and maintenance of Whitby Harbour and port area, so contributing to the economic social or environmental well-being of persons who live, work or spend leisure time in the administrative area of the Town Council.
- b) On behalf of the Council, responsible for liaising with North Yorkshire Council's Whitby Harbour Board and monitoring the effectiveness of the maintenance where it considers it appropriate or expedient to do so.
- c) To write and respond to correspondence where appropriate.
- d) To review strategic/financial policies for harbour and respond to consultation documents on behalf of Whitby Town Council.
- e) Nominate representatives from Whitby Town Council Harbour Committee on to the Harbour Users Consultative Group.
- f) To consider environmental issues for example: water quality - environmental habitat preservation (wildlife, flora and fauna) within and surrounding the harbour area.

### 11.4. Delegated Powers

- a) The functions identified in Section 3, above, are fully delegated to the Committee subject to any limitations or restrictions set out the relevant paragraph.

- b) The Town Clerk or in the absence of the Town Clerk, the Deputy Town Clerk is authorised to act as Town Clerk carry out the duties delegated.

### **11.5. Substitution**

- a) Up to two members may be appointed by Council as nominated substitutes for members of the Committee unable to attend a meeting. It is the responsibility of the Committee member to contact one of the nominated substitutes to request their attendance as a replacement.
- b) The participation of a substitute member is only valid if the Town Clerk or Committee Clerk has been notified by the appointing member of the identity of the substitute member prior to the meeting.
- c) A duly appointed substitute shall be entitled to exercise all the powers of the appointing member including the power to propose motions, speak and vote save that a duly appointed substitute for the Chair shall not thereby be entitled to preside at the meeting. If the Chair is absent, the Deputy Chair shall chair the meeting; if the Deputy Chair is also absent, the Committee shall elect one of the members present to chair the meeting.
- d) If at any time the appointing member attends the meeting Standing Order 15(a) (v) will apply (an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;)

### **Notes**

Following the election of the Chair and Deputy Chair of the Harbour Committee at the first meeting of the Committee in each Council year, the order of business shall be as follows:

- a) Confirmation of the accuracy of the minutes of the last meeting of the Committee.
- b) Review of the terms of reference of the Committee.
- c) Review of delegation arrangements to employees and to any sub-committee(s) of the Harbour Committee
- d) Review and adoption of appropriate standing orders, financial regulations, policies and procedures relating to the functions of the Committee.
- e) Review of the anticipated Committee workload for the coming year.



## **12. CHRISTMAS LIGHTS SUB-COMMITTEE**

### **12.1. General**

A Sub-Committee of the Town Improvement Committee established to manage the maintenance and improvement of the Town's Christmas Lighting Scheme, which is administered by the Town Council.

### **12.2. Membership, Chair and Quorum**

Number of Members	6 Councillors
Substitute Members Permitted	Two to be appointed
Appointments/Removals from Office	By resolution of full Council
Restrictions on Appointment	None
Restrictions on Chair/Vice- Chair	None
Quorum	3
Number of ordinary meetings per Council Year	Minimum of 4
Current Sub-Committees	None

### **12.3. Terms of Reference**

- a) Responsible for the provision of Christmas Lighting within the agreed budget,
- b) Responsible for formulating and making recommendations to Town Improvement Committee in relation to any strategies, plans or policies intended to improve the provision, or maintenance of Christmas Lighting.
- c) Formulate and make recommendations to Council in relation to strategies, plans or policies intended to improve the provision or Christmas Lighting which require financial outlay in excess of the agreed budget.
- d) Formulate and make recommendations to Council in respect of expenditure from reserved funds for Christmas lighting.
- e) Responsible for preparing a draft revenue budget for each coming financial year in respect of the functions falling within the terms of reference Christmas Lighting Sub Committee and to submit that to Town Improvement Committee for consideration by not later than 30 November in any year.

### **12.4. Delegated Powers.**

- a) The matters referred to in Section 3, above, are fully delegated.
- b) The Town Clerk or in the absence of the Town Clerk, the Deputy Town Clerk is authorised to act as and carry out the duties of the Responsible Financial Officer.

**Notes**

Following the election of the Chair and Deputy Chair of the Christmas Lights Sub-Committee at the first meeting of the Sub-Committee in each Council year, the order of business shall be as follows:

- a) Confirmation of the accuracy of the minutes of the last meeting of the Sub-Committee.
- b) Review of the terms of reference of the Sub-Committee.
- c) Review of delegation arrangements to employees
- d) Review and adoption of appropriate standing orders, policies and procedures relating to the functions of the Sub-Committee.
- e) Review of the anticipated Sub-Committee workload for the coming year.

### 13. PAG PROJECT WORKING PARTY

#### 13.1. General

A Working Party of the Pannett Art Gallery Committee established to investigate the funding for and feasibility of providing a new build attached to the existing Art Gallery/Museum building to house the Sutcliffe Gallery and other community art related space.

#### 13.2. Membership, Chair and Quorum

Number of Members	3 Councillors appointed by full Council representatives of WLPS, FoPP and external advisors
Substitute Members Permitted	Any PAG Committee member
Appointments/Removals from Office	By resolution of full Council
Restrictions on Appointment	None
Restrictions on Chair/Vice- Chair	None
Quorum	3
Number of meetings per Council Year	As and when required
Current Sub-Committees	None

#### 13.3. Terms of Reference

- a) Responsible for investigating potential sources of funding for project.
- b) Responsible for preparing a feasibility study including evidence of need, future sustainability and support from potential partners before making presentation to Full Council/Pannett Art Gallery Committee.
- c) Responsible for requesting through Pannett Art Gallery Committee appropriate funding from the Finance & General Purposes Committee to enable administrative costs to be covered.
- d) Responsible for administering any funds allocated to Working Party purposes subject to agreement of Finance & General Purposes Committee
- e) Responsible for advising Pannett Art Gallery/Full Council regarding submitting applications for grants or external funding where available.

#### 13.4. Delegated Powers.

- a) The matters referred to in Section 3, above, are fully delegated.

**WTC - Constitution - Pt 4 - Delegation & ToRs (Adopted May 2023).docx**

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