

HERNHILL PARISH NEIGHBOURHOOD PLAN WORKING GROUP TERMS OF REFERENCE

Author	Hernhill Neighbourhood Plan Working Group
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Agreed By	Hernhill Parish Council
Date	
Review Date	Annually

1. **Background**

- 1.1. Hernhill Parish Council, (the Parish Council), as the qualifying body is preparing a Neighbourhood Development Plan (the Plan) in accordance with the Localism Act 2011 and relevant Regulations. The area for the plan is Hernhill Parish.
- 1.2. Whilst the Parish Council will oversee and be responsible for the submission of the Plan, the management and preparation has been delegated to the Working Group.

2. **Purpose and Mission Statement**

- 2.1. The purpose of the Working Group is to design and manage a process that will result in the preparation of a draft Plan for Hernhill Parish. This will seek to increase the cohesion and sustainability of Hernhill as a community for all its residents and businesses, and for those working in the parish, through the empowerment of local people to plan the future for the whole community.
- 2.2. The process will be:
 1. **Inclusive** – offering the opportunity to participate for everyone who lives or works in Hernhill Parish.
 2. **Comprehensive** – identifying all the important aspects of life in Hernhill Parish for which we need to plan for the future; and
 3. **Positive** – bringing forward proposals that will improve the quality of life in Hernhill Parish.

3. **Tasks**

The Working Group will:

- 3.1. Promote the process of preparing the Plan to encourage participation and the submission of views and ideas.

- 3.2. Agree a project timetable and endeavour to secure compliance.
- 3.3. Agree a project communication, consultation and engagement strategy.
- 3.4. Identify sources of funding and resource requirements.
- 3.5. Gather views and consult on ideas.
- 3.6. Liaise with relevant authorities and organisations to make the Plan as effective as possible.
- 3.7. Undertake analysis and evidence gathering to support the Plan production process assessing evidence about the needs and aspirations of the Hernhill Parish.
- 3.8. Liaise with other relevant organisations to secure their involvement in the process.
- 3.9. Analyse the views, ideas and proposals received during the planning process and use them to prepare a draft Plan.
- 3.10. Keep under review the legislative requirements around Neighbourhood Planning to ensure the plan meets all requirements.
- 3.11. Keep the Parish Council informed of progress.
- 3.12. Formulate the draft Plan within the national context of the Localism Act 2011, the National Planning Policy Framework (NPPF) and the strategic policies of existing development plan that applies in Hernhill Parish.
- 3.13. Submit the draft Plan to the Parish Council for its approval. The Plan, once accepted by the Parish Council and considered by an independent examiner, will be subject to a referendum which will be organised by Swale Borough Council requiring a minimum 50% + 1 vote in favour to be adopted.

4. Membership

- 4.1. The Working Group shall consist of a minimum of eight voting members, being two members of the Parish Council and the remaining six are eligible members for the community from Hernhill Parish.
- 4.2. Membership of the Working Group shall comprise of such voting members who may be approved by the Parish Council. Voting members must, on the day of their appointment, be either Parish Council councillors, or persons residing within, or having an interest in a business located in Hernhill Parish.
- 4.3. At least two members of the Working Group Committee must be members of the Parish Council.

- 4.4. Membership of the Working Group will be open to residents of the Hernhill Parish. Additional Community members and public will be co-opted onto Working Subgroups which are to be defined.
- 4.5. Members of the Working Group must register any interests they have with the Parish Clerk within 28 days of being appointed to the Working Group. This is to alert the Working Group and Parish Council to any interests which might give rise to a conflict of interest in the Working Group. The Working Group and Parish Council should keep a register of interests and update this register when necessary.
- 4.6. The Working Group should take all steps necessary to ensure no biased decisions are made. It is generally agreed that the test for bias is a 'fore-minded and infirmed observer is neither unduly suspicious, nor complacent'. The Localism Act 2011 also adds clarification in s25, subsection (2): 'A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making decision just because:
 - a) The decision -maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter.
 - b) The matter was relevant to the decision.
- 4.7. Should membership of the Working Group need to change this will be dealt with as follows:
 - Additional members - This will be agreed through the vote of Working Group at the next meeting and be minuted accordingly.
 - Departing members - Should there be a need for a Working Group member to depart, this will be dealt with by the Chair/Vice Chair and Secretary. The departing member should agree to a suitable handover of the Working Group work they have been dealing with before their formal departure.

5. Officers

- 5.1. The Working Group shall elect a Chair, Vice-Chair, a Secretary, a Finance Officer and such officers as it thinks fit.
- 5.2. The Chair must be a Parish Councillor; all other officer positions may be filled as agreed by the voting members of the Working Group.
- 5.3. If the Chair is not present, the Vice-Chair shall take the meeting. If neither is present, voting members shall elect a Chair for the meeting from amongst their number.
- 5.4. The Secretary shall ensure that appropriate arrangements are in hand for Working Group meetings and that agenda, papers and minutes are prepared, distributed and publicised.

- 5.5. The Finance Officer will be responsible for raising and agreeing any potential expenditure of the Working Group and liaising on any financial matters between the two groups.
- 5.6. The agenda shall normally be despatched to members at least five clear days before the date of the meeting and published on the Parish Council noticeboard and website.
- 5.7. The Working Group shall keep Minutes of its meetings and shall cause the Minutes to be recorded and open to public scrutiny via the Parish Council website or via a dedicated website, within ten working days of each meeting.
- 5.8. The Working Group may maintain an '*unofficial*' Social Media page, however social media is not an acceptable form of formal consultation but may be used as a means to garner interest or ideas.
- 5.9. Members of the Working Group shall agree to be bound by the Seven Principles of Public Life ("The Nolan Principles") which are: Selflessness, Integrity, Objectivity, Accountability, Honesty, and Leadership (see the Appendix).
- 5.10. The Working Group and all its proceedings and communications shall be subject to the provisions of Data Protection and Freedom of Information legislation.

6. Meetings

- 6.1. The Working Group shall meet regularly as required, approximately every 6 weeks or more frequently if required and agreed by the Working Group, in order to maintain good Plan progress and momentum. Meetings will be agreed, published and advertised in advance.
- 6.2. Working Group Meetings shall be held in a location that is within the Hernhill Parish, that is accessible for all members of the Hernhill Parish and must be held in public venue.
- 6.3. Meetings shall be open to the public to observe proceedings.

7. Quorum

- 7.1. No decision may be made unless at least three members of the Working Group are in attendance and that there are no conflicts of interest in that group of three.
- 7.2. A simple majority will be required to support any motion. The Chair shall have one casting vote or in their absence the Vice-Chair shall have one casting vote.

8. Declarations of Interest

- 8.1. Working Group members must at the start of each Working Group meeting declare any interest, whether pecuniary or otherwise, in any items on the agenda, and are under a continuing obligation to make a later declaration should they realise that they do have an interest in the topic under discussion. Any such declarations will be recorded in the minutes.
- 8.2. The Working Group member will have no voting rights. It will be agreed, depending on the conflict of interest, before the item is discussed if they will be allowed to participate in any discussion on the item.

9. **Working Subgroups**

- 9.1. The Working Group may establish Working Subgroups made up of volunteers from the community, members of the Parish Council, and those with suitable relevant expertise to undertake various tasks or projects forming part of the Plan process.
- 9.2. Each Working Subgroup will have a lead member from the Working Group. The Working Groups or teams will report to the Working Group.
- 9.3. Working Subgroups will arrange their own meeting schedules.
- 9.4. Working Subgroups do not have the power to authorise expenditure on behalf of the Working Group.

10. **Finance**

- 10.1. All grants and funding will be applied for and held by the Parish Council, who will ringfence the funds for the Plan work.
- 10.2. The Working Group will not be able to commit expenditure, without prior approval by the Clerk's Delegated Authority.
- 10.3. The management of such funds and any expenditure will be subject to the internal control systems as laid out in the Parish Council's Financial Regulations.
- 10.4. The Working Group is able to utilise the council's photocopier for printing purposes.

11. **Dissolution**

- 11.1. The Working Group will be dissolved once the Parish Council consider its services are no longer required or determines that the process cannot proceed.
- 11.2. The project is intended to run until a Plan has been presented for

independent examination. The Working Group will remain active until at least the independent examiners report is published or such time it is deemed the group cannot proceed.

- 11.3. At dissolution, any remaining funds will be used by the Parish Council for the best interest of Hernhill Parish.

12. Terms of Reference

- 12.1. Any changes to Working Group Terms of Reference shall require full Parish Council approval.
- 12.2. The Terms of Reference will be reviewed and agreed by the Working Group and the Parish Council on a minimum of an annual basis.
- 12.3. These Terms of Reference shall be placed on the Parish Council website and may be placed in such other places as the Working Group thinks fit.

Appendix: The Seven Principles of Public Life

The Seven Principles of Public Life, known as the Nolan Principles, were defined by the Committee for Standards in Public Life. They are:

- ***Selflessness***: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- ***Integrity***: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- ***Objectivity***: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- ***Accountability***: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- ***Openness***: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.
- ***Honesty***: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- ***Leadership Holders*** of public office should promote and support these

principles by leadership and example.