

**MINUTES OF A MEETING OF
THE POLICY AND RESOURCES COMMITTEE
MALVERN TOWN COUNCIL**

**held in the Council Chamber, Belle Vue Terrace, Malvern
on Wednesday 28 February 2024 at 6.00 pm**

Councillors

C Fletcher (Vice-chair)
N Houghton
M Jones (from 6.20pm)
L Lowton (substitute for I Dawson)
R McLaverty-Head
J MacLusky

Absent

I Dawson (apologies)
M Birks (apologies)
K Newbigging (apologies)

Also in attendance

Linda Blake - Town Clerk
Louise Wall – Minute Clerk
Cllr Clive Hooper
Cllr David Watkins

55. APOLOGIES FOR ABSENCE

Apologies for absence from Cllrs Iain Dawson, Marilyn Birks and Karen Newbigging and for lateness from Cllr Melanie Jones were **NOTED**. Cllr Iain Dawson had substituted Cllr Lou Lowton.

56. DECLARATIONS OF INTEREST

None.

57. MINUTES OF PREVIOUS MEETING

It was **RESOLVED** that the minutes of the following meeting be approved and adopted as a correct record of the proceedings, to be signed by the Chairman:

- Policy and Resources Committee meeting held on 7 February 2024.

PUBLIC PARTICIPATION

None.

58. TERMS OF REFERENCE OF COMMITTEES

Report PR01/24 was received and accepted.

Committee were asked to consider, review and revise as necessary the Town Council's terms of reference for its three main committees, Operations and Planning Committee, Policy and Resources Committee and Audit Committee.

The Town Clerk informed members that two complaints had been received recently regarding possible ambiguity of the planning section within the Operations and Planning Committee terms of reference.

It was noted that Full Council meetings and Extraordinary Council meetings do not have terms of reference as they are governed by standing orders.

Members then reviewed the three appendices containing the terms of reference for the three main committees.

Cllr Melanie Jones joined the meeting at 6.20 pm.

Operations and Planning Committee (changes are listed or noted in italics)

1. CONSTITUTION

- 1.1. The Committee will consist of nine Councillors appointed by Full Council at the Annual Council Meeting (or another Council meeting should a vacancy occur during the year).

changed to:

The Committee will consist of either nine or ten councillors appointed by Full council at the Annual Council Meeting (or another Council meeting should a vacancy occur during the year).

- 1.2. Committee meetings will be arranged by the Town Clerk with a quorum of five members.

changed to:

Committee meetings will be arranged by the Town Clerk with a quorum as agreed by Full Council.

2. RESPONSIBILITIES

- 2.16. To consider and comment on any planning matter which affects the Town of Malvern *as appropriate*.

- 2.17. To consider and comment on any application referred for comment to the Town Council by a Local Planning Authority *as appropriate*.

3. FINANCE

- 3.1. To prepare annually a draft budget *for asset renewal and refurbishment projects and vehicle/machinery replacement expenditure* to be agreed by Full Council as part of the budget process.

- 3.2. *Removed.*

4. TOWN AND COUNTRY PLANNING SYSTEM

- 4.2. The Council is active in participation for all planning application consultations. This is an important part of the representational role of the Town Council.

changed to:

The Council is informed of all planning application consultations and will comment as appropriate.

5. ENVIRONMENTAL MATTERS

Section 5 will be a new section within the terms of reference for Operations and Planning Committee.

- 5.1. *“To formulate, monitor, review and update the Council’s environmental policy which all decisions made by Malvern Town Council*

- 5.2. *To ensure environmental policy is current, relevant and reviewed annually.”*

It was agreed that some general formatting and standardisation would be carried as had been done for other policies, including:

- “Operations Committee” to be updated to “Operations and Planning Committee”.
- Reference to Strategic Planning meetings amended to Operations and Planning Committee meetings.

Policy and Resources Committee (changes are listed or noted in italics)

1. CONSTITUTION

- 1.1. The Committee will consist of ten Councillors appointed by Full Council at the Annual Council Meeting (or another Council meeting should a vacancy occur during the year).

changed to:

The Committee will consist of either nine or ten councillors appointed by Full council at the Annual Council Meeting (or another Council meeting should a vacancy occur during the year).

- 1.2. Committee meetings will be arranged by the Town Clerk with a quorum of six members.

changed to:

Committee meetings will be arranged by the Town Clerk with a quorum as agreed by Full Council.

2. RESPONSIBILITIES

- 2.11. This clause to be removed as it is covered by Operations and Planning Committee terms of reference.

Staffing

Policy and Resources Committee will ensure that the following duties are undertaken as appropriate:

- 2.18. To review annual appraisals which will be completed for all staff members *where appropriate.*

- 2.19. To review the annual appraisal process *as appropriate.*

- 2.20. Remove “pay and” from sentence.

Audit Committee

It was **AGREED** that no amendments were necessary to the Audit Committee terms of reference.

It was **AGREED** that some general formatting and standardisation would be carried as had been done for other policies, if necessary, for the terms of reference for Policy and Resources Committee and Audit Committee.

It was **RECOMMENDED** that Full Council adopts the terms of reference for the three main committees as amended and attached to these minutes.

59. REVIEW OF COMMUNICATIONS AND PUBLICITY POLICY – COUNCILLOR GUIDELINES

Report PR02/24 was received and accepted.

Members reviewed the Town Council’s Communications and Publicity Policy – Councillor Guidelines and agreed that no amendments were necessary, other than the standardisation of terms used in other policies.

It was **RECOMMENDED** that Full Council adopts the Town Council’s Communications and Publicity Policy with standardisation of terms as used in other policies.

60. STAFFING MATTERS

Report PR03/24 was handed out at the meeting and members were asked to consider contractual issues raised by a decision at Full Council on 14 February 2024 to delay the start times of all Town Council evening meetings by half an hour.

Legal advice had been sought from Worcestershire CALC and this confirmed that a change in meeting times would be a change in staff contracts which would need to be done by mutual agreement or by a process of consultation based on a sound business case.

A robust discussion raised the following points:

- A formal consultation should be avoided if at all possible because of the detrimental effect it can have on staff.
- A 6.30 pm start to meetings may make it easier for people to attend – both members of the public and councillors.
- Councillors were aware of meeting start times when they joined the council.
- Staff were the Council's greatest asset and their opinions should be considered.

It was **RECOMMENDED** that Full Council reverse the decision made on 14 February to accept the calendar of meetings in light of legal advice. Meeting times would therefore revert to the usual start time of 6 pm.

61. DATE AND TIME OF NEXT MEETING

It was **AGREED** that the date of the next meeting would be Wednesday 27 March 2024 at 6pm.

The meeting finished at 8.10 pm

.....(Chairman)

OPERATIONS AND PLANNING COMMITTEE

TERMS OF REFERENCE

1. CONSTITUTION

- 1.1. The Committee will consist of either nine or ten councillors appointed by Full Council at the Annual Council meeting (or another Council meeting should a vacancy occur during the year).
- 1.2. Committee meetings will be arranged by the Town Clerk with a quorum as agreed by Full Council.
- 1.3. The Operations and Planning Committee includes strategic planning and will consider the Council's response to planning consultations from the weekly lists, including any items raised by ward members or committee members.
- 1.4. District Councillors are able to attend the meetings and comment on planning matters in their role as a Town Councillor.

2. RESPONSIBILITIES

Operations

- 2.1. To consider and make recommendations to the Council as to policies and initiatives which will contribute to, and promote, the Council's strategic operational objectives. These to include provision, repair, renewal, maintenance, development and improvement of operational assets and services.
- 2.2. To set and monitor policies in relation to the management of all parks and open spaces, allotments, play areas, sports activities, Christmas lights, Malvern in Bloom bedding displays etc.
- 2.3. To set and monitor policies in relation to the management of Great Malvern Cemetery.
- 2.4. To set and monitor policies in relation to the management of street furniture including litter bins, bus shelters, clocks and gas lamps.
- 2.5. To monitor the effectiveness of operations activities, making recommendations to Full Council for improvement as required.
- 2.6. Further to Full Council approving service delivery recommendations, the Operations and Planning Committee to deliver a service improvement plan.
- 2.7. To ensure that all operational activities support and inform the budget planning process.
- 2.8. To recommend service standards, performance indicators and support monitoring measures (and/or means of establishing these) for incorporation into the Council's Performance Management Systems as part of provision of best value.
- 2.9. To act as the Council's operational Health and Safety Committee.

Events

- 2.10. To consider and make recommendations to Full Council with regard to existing events as well as the expansion of Malvern Town Council's events calendar.
- 2.11. To consider and provide recommendations to Full Council for Town Council support and involvement with independent/partnership events.
- 2.12. To consider and develop methods to promote Malvern, Malvern's events and the Town Council, including the use of social media and an up-to-date Town Council website.
- 2.13. To monitor the effectiveness of events activities and make recommendations to Full Council.
- 2.14. To ensure that all events are financially viable and operate within the Council's Financial Regulations.

Strategic Planning

- 2.15. To establish aims, objectives and policies and a planning strategy for adoption by Council and implementation by the committee to provide an effective basis for the consideration of any planning issue.
- 2.16. To consider and comment on any planning matter which affects the Town of Malvern as appropriate.
- 2.17. To consider and comment on any application referred for comment to the Town Council by a Local Planning Authority as appropriate.
- 2.18. To work in conjunction with, and if appropriate, support any other person or body whose aims, objectives or purpose is concerned with the proper planning of the Town of Malvern and its neighbourhood and its environment, including any other appropriate local organisation.
- 2.19. To participate fully in the development and implementation of the Neighbourhood Plan, local plans, policies and interests in order to ensure that these have a beneficial impact on Malvern.
- 2.20. To take all possible action to obtain legitimate planning gains (such as Section 106 money or a percentage of Community Infrastructure Levy) for the Town from all relevant developments in Malvern.
- 2.21. To make arrangements with, and to authorise, any person (including one or more Town Councillors) to advance or explain any planning comment made on behalf of the Town Council, or to further any policy or discussion relating to planning matters (providing the Council has not made alternative provision to the same effect).
- 2.22. To receive reports from Working Parties formed to look at specific planning issues.

3. FINANCE

Operations

- 3.1. To prepare annually a draft budget for asset renewal and refurbishment projects

and vehicle/machinery replacement expenditure to be agreed by Full Council as part of the budget process.

4. TOWN AND COUNTRY PLANNING SYSTEM

4.1. This is designed to regulate development and the use of land. It does this by aiming to achieve a balance between the aspirations of the developer and the need to safeguard the character or amenity of an area and the interests of its residents.

4.2. Role of Local Planning Authorities in Planning:

County Council:

- Strategic planning authority;
- Prepares structure plans which guide development for the whole of its area;
- Prepares mineral and waste disposal plans and decides planning applications for these kind of developments;
- Responsible for main roads.

District Council:

- Prepares district-wide local plans which show precisely where development should or should not take place as well as covering other issues such as shopping, transport and recreation;
- Deals with the majority of planning applications.
- Joint working on the South Worcestershire Development Plan (SWDP).

Town/Parish Councils:

- Statutory consultee on planning applications and the content of development plans.
- The Council is informed of all planning application consultations and will comment as appropriate.

4.3. Procedure for Town Council Planning Consultation:

- i. Malvern Town Council sends the planning list to all councillors every Friday as part of their weekly packs.
- ii. Councillors are asked to inform Town Council officers of any planning applications which they wish to be discussed at Operations and Planning Committee meetings. These applications will then be listed individually on the agenda.
- iii. If applications arise in the period between meetings, ward members should notify the office of any applications on which they would like to comment. If these comments find the support of other ward members, then they will be passed on to MHDC.

- iv. All comments on planning applications must be based on relevant planning considerations, including:
 - The compliance of the proposals with the adopted development plan
 - How the proposal fits in terms of design and use with its surroundings
 - The effect of sunlight and daylight on adjoining properties.
 - The loss of privacy to adjoining properties
 - The effect on parking, drainage, traffic, road safety and general disturbance to local residents
- v. Planning considerations do not include:
 - Spoiling of householder views
 - Devaluation of property
 - Covenants affecting properties
 - Nuisance caused by building work
 - Land ownership disputes
 - Personal preferences for the site
- vi. It is important that all comments are clear, concise and accurate. It helps if the Council suggests conditions it would like to see imposed if the local Planning authority permits the application.
- vii. The Town Clerk will draw members' attention to planning issues that appear on the agenda for MHDC planning meetings and an appropriate ward councillor should be asked to speak for the Town Council at MHDC's Southern Area Planning Committee meetings on all planning matters of concern in Malvern wards. Ward members should contact the Town Clerk with any matters of concern relating to planning matters.
- viii. Malvern Town Council staff will aim to prepare and send comments of the committee to the District Council within seven days of the meeting. If the comments are too late to be included on the District Council Planning Committee Agenda, staff will circulate the comments by email to MHDC.
- ix. Members should note that many planning applications are dealt with by MHDC Planning Officers under delegations in conjunction with the relevant District Councillors.

5. ENVIRONMENTAL MATTERS

- 5.1. To formulate, monitor, review and update the Council's environmental policy which all decisions made by Malvern Town Council.
- 5.2. To ensure environmental policy is current, relevant and reviewed annually.

POLICY AND RESOURCES COMMITTEE

TERMS OF REFERENCE

1. CONSTITUTION

- 1.1. The Committee will consist of either nine or ten councillors appointed by Full Council at the Annual Council meeting or another council meeting should a vacancy occur during the year.
- 1.2. Committee meetings will be arranged by the Town Clerk with a quorum As agreed by Full Council.

2. RESPONSIBILITIES

Policy and Resources

- 2.1. To keep under review the policies and resources of the Council.
- 2.2. To ensure Full Council receives detailed financial accounts on a quarterly basis together with a report on key aspects of the financial performance including proposals to address any major departures from the Council's budget.
- 2.3. To ensure Full Council receives the Full Year End Accounts and Annual Return in accordance with statutory rules and deadlines.
- 2.4. To make recommendations to the Council on the annual budget estimates and the Council's precept.
- 2.5. To consider and make recommendations to the Council on policy documents received from other organisations and affecting the area.
- 2.6. To develop and review the Policy and Resources Committee's aims and objectives.
- 2.7. To have the direction and control of insurance in respect of the Council's property, members and employees.
- 2.8. To regularly review the Council's treasury management activities and supervise the investment of funds within the Council's control.
- 2.9. To determine all grant applications received under the Council's approved Grants and Donations Policy/Scheme, subject only to the allocated budget not being exceeded.
- 2.10. To recommend and agree proposals from the RFO concerning the investment of cash surplus to current requirements and ensure such deposits are in line with good local government treasury practice.
- 2.11. To establish, monitor and review the Council's risk assessment programme.
- 2.12. To make recommendations to the Council as to the strategic management of Council assets and property, including the acquisition, management and disposal of property.
- 2.13. To agree, as required, any detailed activities necessary to ensure the proper and effective operation and management of Council property and assets. This to

include detailed matters related to property leasing, purchase and disposal. (Operations Committee is responsible for operational issues related to those assets under its control).

- 2.14. To determine depreciation and other detailed issues arising from the management of Council assets.
- 2.15. To consider and make recommendations to the Council as to the policies and initiatives which will contribute to and promote best value within the Authority.
- 2.16. To monitor the Council's Objectives, consider the risks of not achieving them, and make recommendations to Full Council

Staffing

Policy and Resources Committee will ensure that the following duties are undertaken as appropriate:

- 2.17. To review annual appraisals which will be completed for all employees where appropriate.
- 2.18. To review the annual appraisal process where appropriate.
- 2.19. To consider and make recommendations with regard to the grading of all employees.
- 2.20. To consider and review the Council's Training and Development Policy.
- 2.21. To consider and review the policies and procedures which relate to employee/councillor conduct.
- 2.22. To consider and review the Council's Grievance Policy.
- 2.23. If a disciplinary matter arises during the year, the staffing committee will be asked to nominate 3 members of the committee to form a disciplinary panel to deal with this matter.
- 2.24. Members of the Committee will be asked to rule themselves out if they believe that their presence on the panel would deem the process to be unfair and lacking impartiality.
- 2.25. To review other general staffing policies.

AUDIT COMMITTEE
TERMS OF REFERENCE

1. CONSTITUTION

- 1.1. The Committee will consist of five Councillors (excluding members of the Policy and Resources Committee) appointed by Full Council at the Annual Council meeting. Committee meetings will be arranged by the Town Clerk.

2. ELIGIBILITY

- 2.1. Members of the committee involved in undertaking any financial audit of the Council will withdraw from being cheque signatories for the period of the audit.

3. RESPONSIBILITIES

- 3.1. Actions required pursuant to the annual audit by the internal and external auditors.
- 3.2. To ensure that any new financial systems introduced by Council have adequate controls and provide appropriate audit trails.
- 3.3. To implement internal audits within the parameters required by statute.
- 3.4. To review the annual internal audit report on the Council's activities for further consideration by Council, and make recommendations.
- 3.5. To receive the report of the external auditor and make recommendations if necessary.