



SHERINGHAM TOWN COUNCIL

GOVERNANCE AND FRAMEWORK



VERSION 10

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CONTENTS

SECTION 1: TOWN COUNCIL OVERVIEW	3
SECTION 2: SCHEME OF DELEGATION	5
SECTION 3: MEETINGS	10
SECTION 4: COMMITTEES	11
SECTION 4: TERMS OF REFERENCE	
• ASSETS	12
• COMMUNITY AND CLIMATE	14
• FINANCE AND GOVERNANCE	15
• EMPLOYMENT	17
• PLANNING	19

SECTION 1: SHERINGHAM TOWN COUNCIL

Overview

Sheringham Town Council (STC) is a local town council located on the North Norfolk Coast.

As a local council STC is in the first tier of government and acts as an initial point of contact for anyone concerned with a community issue. Councils are democratically elected local authorities and exist in England and Wales. The term 'local council' is synonymous with 'parish council', 'town council' and 'community council'.

A local council is a body corporate with perpetual succession and is governed by the Local Government Act 1972. A local council comprises a Chairman (and/or Town Mayor), and Councillors. STC has taken the progressive decision to use the inclusive language of 'Chair' when referring to the Chairman and 'Vice Chair' when referring to the Vice Chairman. Local councillors are often referred to as "Members" – for example in the Code of Conduct. A local council's lawful acts, assets, and liabilities are its own and not those of its Councillors. They must appoint a Proper Officer (the clerk) and a Finance Officer.

There are over 10,000 local councils in England and Wales, representing the concerns of local residents and providing services to meet local needs. Town councils have a wide range of powers including looking after community buildings, planning, street lighting, Cemeteries, play provision and allotments to name a few. They also have the power to raise money through council tax.

Parish councillors are elected representatives, not volunteers or employees (but are unpaid), and serve for a 4-year term, unless co-opted or elected in a bye-election when they serve until the next election. They must apply the law and comply with the Councillor's Code of Conduct.

STC comprises of 16 elected council members as well as paid staff including a Clerk, who

facilitate the Council in undertaking its statutory functions. A councillor's primary role is to represent their ward or division and the people who live in it.

Councillors provide a bridge between the community and the Council. As well as being an advocate for residents and signposting them to the right people at the Council, councillors keep residents informed about the issues that affect them.

Councillors contribute to the work of the Council by determining strategy and priorities based on community needs, suggesting ideas, influencing policy, engaging in constructive debate, supporting a sustainable and resilient community and physical environment, and by responding to the views of the community.

Councillors comment on proposals to ensure the best outcome and vote to enable the Council to make decisions. Individual councillors cannot make decisions on behalf of the Council, but they can actively lead and engage with local projects. Town councillors have no powers outside of a Council meeting.

Occasionally there will be a conflict of interest requiring sensitive judgement, and the need to take difficult decisions in an open, honest, and reasoned way. Councillors are also required to act in an ethical way and to declare an interest when necessary.

Councillors are voted on to Council Committees, Sub Committees, Working Groups, and Task & Finish Groups – for further information on terms of reference for each please see the relevant chapter.

Working Groups are formed for long term STC projects/strategic initiatives which are anticipated to continue over the course of years. These are formed of a minimum of 3 Sheringham Town Councillors.

Task & Finish Groups (T&F Groups) are formed for specific projects. They should act with purpose to gather information/present recommendations at the earliest convenience. It is intended that once the task has been achieved that the Task & Finish Group is dissolved. These are formed of a minimum of 3 Sheringham Town Councillors.

There are certain obligations which by law a Local Council must fulfil. For example:

It must hold an Annual Meeting

It must hold at least three other meetings a year

It must appoint such officers as it believes necessary for the proper discharge of its functions this may be an unpaid councillor, but in common practice is a Clerk and RFO).

It must adopt Standing Orders for the supply of goods and services to the Council.

The arrangements for meetings and proceedings of Local Councils are set out in Part II of Schedule 12 to the Local Government Act 1972 (legislation.gov.uk), as supplemented by any Standing Orders adopted by a council.

SECTION 2: SCHEME OF DELEGATION

2.1 Council Functions

The following matters are to be dealt with by the Full Council:

- 1.1 Appointment of the Town Clerk/Responsible Financial Officer.
- 1.2 Approval of Budget and setting the Precept.
- 1.3 Approval of the Council's Annual Accounts and the Annual Return.
- 1.4 Approval of the Audits of Accounts.
- 1.5 Authorisation of borrowing.
- 1.6 Adopting or changing specific policies such as Standing Orders, Financial Regulations, and the Scheme of Delegation, and the introduction of any new policies.
- 1.7 Making of Orders under any statutory powers.
- 1.8 Making, amending, or revoking bye-laws.
- 1.9 Matters of principle or policy.
- 1.10 Appointment of Standing Committees.
- 1.11 Nomination and appointment of representatives of the Council to any other Authority organisation, or body (excepting approved conferences or meetings).
- 1.12 Nomination or appointment of representatives of the Council at any Inquiry on matters affecting the Town, excluding those matters specific to Committees.
- 1.13 Any proposed new projects or proposals that are outside of budget.
- 1.14 Responses to legislative and other allied consultations.
- 1.15 Prosecution or defence in a court of law other than an Employment Tribunal.
- 1.16 All other matters which must, by law, be reserved to the Full Council.

2.2 Delegation to Committees

The matters set out in the Terms of Reference for a Committee are delegated to the Committees to make decisions on behalf of the Council, unless specified otherwise, eg: Appointment of the Clerk.

Committees have delegated decision-making powers in respect of matters delegated.

They must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

The Council may at any time, following resolution, revoke any delegated authority.

Committees may decide not to exercise delegated responsibilities and may instead make a decision, it must make a recommendation to Council.

Councillors will be advised by the Town Clerk whether a particular item under discussion is within the Committee's delegated powers. If it is within delegated powers, the minutes will record the decision as **RESOLVED**. If not, then the minutes will record the decision as **RECOMMENDED**, and it must be brought to Full Council for decision. Recommendations from a Committee will be identified separately on the Agenda from the Minutes of a Committee, in accordance with Standing Order 5.

2.3 Limits of delegation to Committees

A recommendation must be made to Council in the following circumstances:

- 2.3.1 The adoption of a new policy or strategy
- 2.3.2 Where the matter being considered would exceed the agreed budget
- 2.3.3 Where the Committee resolves by simple majority to recommend the matter to Council
- 2.3.4 Where the Town Clerk advises the Committee accordingly
- 2.3.5 Where the Terms of Reference for the Committee specify that a recommendation be referred to Full Council

2.4 All Committees

- 2.4.1 May create and appoint Sub-Committees, Working Groups or Task & Finish Groups.
- 2.4.2 Approve its Minutes as a true and accurate record.
- 2.4.3 Submit proposals in respect of funding to Finance & Governance Committee and RFO not later than November each year.
- 2.1.4 Any other matters which may be delegated to it by the Council from time to time.
- 2.1.5 To report all matters of recommendation to Full Council.

2.5 Motion to rescind

The right is reserved for any Councillor to call in to Full Council any resolution made any committee or sub-committee. A notice of motion must be submitted to the Clerk by no less than three of the Councils elected members at least seven clear days before the meeting (in accordance with SO 7a) & 9b))

2.6 Delegation to Officers

The following matters are delegated to the Council's Officers to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations, and any approved policy framework and budget. Where appropriate the Council's Officers will liaise with the Mayor, the Chair of the relevant committee or a Task & Finish/Working Group in making the decision.

The Council may at any time, following resolution, revoke any delegated authority.

Officers may decide not to exercise their right to make a decision using delegated powers and may instead make a recommendation to Council or a Committee. Similarly, where Officers have no delegated power to decide, the matter will be reported to the Committee or the Council for a decision.

2.7 Town Clerk and Responsible Financial Officer

The Responsible Financial Officer of the Council as defined in law, is responsible for the Town Council's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time. This position may be held by the Town Clerk, or another employee as appointed by the Town Council. The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

- 2.7.1 Issue all statutory notifications.
- 2.7.2 Receive declarations of acceptance of office.
- 2.7.3 Receive and record notices disclosing pecuniary interests.
- 2.7.4 Receive and retain documents and plans.
- 2.7.5 Hold the Council's seal and apply it to appropriate documents and in the case of contractually binding legal documents, as approved by Council resolution or stated in Standing Orders, to have the application of the seal witnessed by two councillors.(in accordance with SO 23. b)
- 2.7.6 Sign notices or other documents on behalf of the Council.
- 2.7.7 Receive copies of bye-laws made by the principal authority.
- 2.7.8 Certify copies of bye-laws made by the Council.
- 2.7.9 Prepare and sign summons (agendas) to attend meetings.
- 2.7.10 Call any extra meetings of the Council or any Committees as necessary, having consulted with the Chair of the Council and/or the Chair of the appropriate Committee.
- 2.7.11 Ensure Council's compliance with Standing Orders and Financial Regulations.

In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council.

- 2.7.12 Ensure that all activities carried out within the Council's property and land have due regard to Health and Safety, Equality Act, and comply with all legislation in terms of public safety.
- 2.7.13 Employment matters including
- a) The appointment of employees in accordance with the previously approved strategic requirements set out in any staffing review, within pre-approved budgets and in consultation with the Chair and Vice Chair of the Employment Committee.
 - b) Managing all Town Council staff, either directly or indirectly.
 - c) Take all decisions relating to the training of staff within available budgets and reporting to the Employment Committee.
 - d) Management of Council salaries in accordance with contracts of employment.
 - e) Authorise minor adjustments to contracts of employment.
- 2.7.14 Manage the provision of Council services, buildings, land and resources.
- 2.7.15 Manage day to day administration of services, together with routine inspection and control.
- 2.7.16 Authority to respond immediately to any correspondence requiring or requesting information or relating to any previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its Committees. This includes authorisation to delegate responses to administrative staff where appropriate.
- 2.7.17 Tenancy management.
- 2.7.18 Authorisation of urgent expenditure within the agreed budget.
- 2.7.19 To incur expenditure in an emergency up to £5,000 whether budgeted for or not (in accordance with FR 1.14).
- 2.7.20 Act on behalf of the Council in an urgent situation and report back to the Council as soon as practicable.
- 2.7.21 Deal with dispensation requests from Councillors under the Code of Conduct.
- 2.7.22 Deal with matters specifically delegated by Council or Committees.
- 2.7.23 Be responsible for the overall management of all budgets in accordance with Council's Internal controls.
- 2.7.24 Ensure the insurance schedule is kept updated.
- 2.7.25 Provide guidance to Council on accounting policies, records, and control systems.
- 2.7.26 Take a lead on considering the merits or otherwise of all project proposals (whether related to assets or not) for deliberation by Full Council.
- 2.7.27 Management of maintenance contracts.
- 2.7.28 Developing income generating activities.
- 2.7.29 Issue press releases on any Council activity in accordance with Council's Press and Media Policy.

Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial

Regulations, this Scheme of Delegation, and in line with The Openness of Local Government Bodies Regulations 2014.

2.8. Sub-Committees, Working Groups, and Task & Finish Groups

- 2.8.1 A Standing Committee may, if it believes it would be appropriate, appoint a Sub-Committee, Working Group or Task & Finish group. A minimum of 3 Sheringham Town Councillors must be appointed to any Sub Committee, Working Group or Task & Finish Group. Employees of the Council may be included on any Sub-Committee, Working Group, or Task & Finish Group.

Any powers to be delegated to such a Sub-Committee may be detailed at the time the Sub-Committee is formed by means of a minute detailing the terms of reference. Sub-Committees are subject to the provisions of the Public Bodies (Admission to meetings) Act 1960 and must therefore be properly convened.

Working Groups and Task & Finish Groups are not subject to the provisions of Public Bodies (Admission to Meetings) Act 1960. A Working Group/Task & Finish Group does not have decision-making powers therefore its meetings are not open to the public.

- 2.8.2 Working Groups and Task & Finish Groups must present their recommendations to the body that created them using a template recognised by STC.
- 2.8.3 A report of a Working Group or Task & Finish Group must present the majority view of the Sheringham Town Councillors that form the Group. If not all Councillors agree, then a brief minority report may be annexed to the majority report.

2.9 Co-opted members

- 2.9.1 A Working Group or Task & Finish Group may, if their Terms of Reference allow, appoint co-opted members (who are not Members of the Town Council or Employees of the Town Council) as necessary to advise and assist with their work.
- A co-opted member may advise and assist the Group and be consulted by the Group but will not have voting rights

2.10 Delegation – Limitations

- 2.10.1 Committees and Sub-Committees, shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations, and this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, bye-laws or orders made with any directions given by the Council from time to time.

SECTION 3: MEETINGS

Meetings and Reporting

- 3.1 A set meeting calendar will be produced annually for Full Council and all Standing Committees. Calling of a meeting will be convened by the Clerk or delegated Officer in conjunction with the Chair of Council or Committee Chair
- 3.2 Scheduled meetings will be advertised on the STC website and social media. Once agreed, a copy of the meetings Agenda will be displayed on the Otterndorf Green and Community Centre notice boards.
- 3.3 To hold an extraordinary meeting, the relevant Chair must contact the Clerk in writing requesting an extraordinary meeting and outlining the purpose of the meeting.
- 3.4 As per Standing Order 6b – “If the Chair of the Council (Town Mayor) does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place, and agenda for such a meeting must be signed by the two councillors.”
- 3.5 Agendas will be prepared in accordance with Standing Orders.
- 3.6 With regard to motions requested as an agenda item by a Councillor Standing Order 9 b. states that “No motions may be moved at a meeting unless it is on the Agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of notice or the day of the meeting.”
- 3.7 All documents for the agenda should be submitted to the Clerk’s office for distribution at least 7 clear days before the meeting; clear days do not include the day of notice or the day of the meeting. This provides time for the Clerk to inspect the document prior to distribution and make suggestions or amendments as required.
- 3.8 The Clerk has the final say on whether documents or items are included on the agenda.
- 3.9 Confidential business will be conducted in closed session (those items taken under 3D of Standing Orders that relate to commercially sensitive information, contracts or terms of tender, or personal information relating to staff) and will remain confidential.
- 3.10. There will be no audio-visual recording of meetings in closed session.
- 3.11 Minutes of meetings will be taken by The Clerk or an appointed person, and circulated in draft form within 7 days of the date of the meeting. Matters of the meeting held in closed session will be communicated in summary only.
- 3.12 Minutes of Committee and Sub-Committee meetings will be presented to Full Council for information only. Formal approval of Committee and Sub-Committee minutes will take place at the next meeting of the relevant Committee.

SECTION 4: COMMITTEES

An Overview

- 4.1. Sheringham Town Council has appointed five committees to oversee and manage its responsibilities as follows:
 - 4.1.1 Assets Committee (AC)
 - 4.1.2 Community & Climate Committee (C&C)
 - 4.1.3 Employment Committee (EC)
 - 4.1.4 Finance & Governance Committee (F&G)
 - 4.1.5 Planning Committee (PI)
- 4.2. Committee structure, delegation and membership is reviewed each year at the Annual Meeting of Town Council or periodically throughout the civic year if required. Membership of committees can only be determined by Full Council.
- 4.3. Membership of committees will be determined at the Annual Meeting of Council by show of hands. Committee membership numbers and quorum will be determined by that Committee's terms of reference.
- 4.4. In the case of the Employment Committee, Membership will be offered only to those Council members who commit to attending all training offered, including but not limited to specific employment related training. Candidates should be prepared to provide a short verbal summary of their suitability for the role.
- 4.5. In order to be a member of any Sub-Committee, Working Group, or Task & Finish Group, Councillors must first be appointed onto the relevant parent committee, unless co-opted on by FC owing to a special knowledge or interest.
- 4.6. Task & Finish Groups or Working Groups must provide a report to the relevant parent committee.
- 4.7. The Mayor serves as an ex-officio member on all committees but will not have voting rights unless elected to that committee. The Mayor should not be elected Chair of any other committee (except either in the absence of the elected Chair & Vice Chair or if there are no other suitable candidates) but may serve as Lead of any Task & Finish Groups or Working Groups to which they are appointed by Council or the relevant committee.
- 4.8. Committees are authorised by the Council to obtain external legal and other professional advice and to secure attendance of anyone it considers has the relevant experience, expertise, or knowledge with the agreement of the Committee Chair and the Clerk. Any necessary expenditure for external advice needs approval by Full Council.

SECTION 5: COMMITTEE TERMS OF REFERENCE

5.1 ASSETS COMMITTEE

Membership: Maximum 10

Quorum: 4

Frequency of meetings: bimonthly

5.1.1 Purpose

The Assets Committee is responsible for all aspects of the maintenance of the Council's land, buildings, facilities and assets. This includes ensuring health and safety compliance; strategic management including long term planning; reviewing and appointing tenancies; and annually presenting a budget for consideration.

The specific assets are recorded on the Sheringham Town Council Asset Register.

5.1.2 Specific Responsibilities

- a) To review and/or identify committee objectives for recommendation to Council & report progress.
- b) To manage all facilities and amenities owned by the Town Council and leased to third parties (including acting as responsible landlords).
- c) To oversee and review all third-party agreements with appropriate input from the Finance & Governance committee
- d) To review all facility regulations.
- e) To develop a facilities management programme to quantify the Council's existing asset management commitments.
- f) To determine the committee's budgetary requirements for consideration in the annual budget and submit the Finance & Governance Committee in November for the following year.
- g) To consider the use of developer contributions towards the improvement of existing or provision of new facilities.
- h) To investigate options for working with neighbouring parishes and other organisations to increase the Council's local delivery of services.
- i) To work with the County Council to improve the highways infrastructure in Sheringham.
- j) To enhance, develop and ensure best practice is undertaken with regard to all STC owned/managed assets, or those in which STC has a beneficial interest, providing best value to residents.

- k) To quarterly review spending against budget allocation.
- l) To oversee the delivery of specific objectives set out in the adopted Strategic Plan relevant to the Committee.
- m) To manage Capital and other projects as delegated by Full Council.

5.2 COMMUNITY & CLIMATE COMMITTEE

Membership: Maximum 7

Quorum: 3

Frequency of meetings: Quarterly

5.2.1 Purpose

The Community & Climate Committee is responsible for developing a community engagement strategy to include policies for the management of social media and the Council's website. The Committee will consider and respond to all climate proposals, ideas, and communications, and where relevant make recommendations to council on matters pertaining to climate.

The Committee will engage with the community and raise the profile of the Community & Climate Committee work carried out by the Council. Opportunities will be made available to the public to share skills and contribute to the Committee.

5.2.2 Specific Responsibilities

- a) To develop a Community Engagement Strategy, with recommendations to be submitted to Full Council for approval.
- b) To develop and monitor a social media policy
- c) To oversee the Town Council's website
- d) To oversee, and where applicable facilitate events on Council-owned land.
- e) To help promote Sheringham as a progressive, vibrant, and inclusive community.
- f) To identify any budget requirements and submit these to the Clerk and Finance & Governance Committee by November for the following financial year.
- g) Administer, promote and implement a Community Award Scheme.
- h) Administer, promote and implement Wildlife Garden Awards.
- i) To apply for climate grants where applicable.
- j) Creation and Management of documents including the Climate Action Plan and Biodiversity Action Plan.
- k) To support the development of Sheringham town centre, residential areas, green spaces, and seafront that is accessible and supports a robust retail and services sector that serves the needs of residents, businesses, community groups, and visitors throughout the year.

5.3 FINANCE & GOVERNANCE COMMITTEE

Membership: Maximum 7

Quorum: 3

Frequency of Meetings: 6 per year.

5.3.1 Purpose

The finance committee's primary purpose is to oversee and advise on the council's financial health. This includes monitoring financial performance, managing the budget, and ensuring financial stability. The Committee will play a crucial role in advising on investments, borrowing, and capital expenditure decisions. The Finance and Governance Committee oversees review of governance to include the Constitution of the Council, Standing Orders, Committees' Terms of reference, Code of Conduct, Risk Management, External Complaint Procedure, GDPR, Freedom of Information Policy, Co-option Policy, and any other policies as deemed appropriate for consideration by Full Council.

5.3.2 Specific responsibilities

- a) To budget for the Council's administration requirements for each financial year.
- b) To budget for the Council's spending on other matters for which no other Committee has responsibility, including Section 137.
- c) To collate budgets from other Committees, negotiate adjustments, and recommend a total budget to the Council in December or January each year.
- d) To monitor overall financial matters and the use of reserves against the approved budget for the Council.
- e) To ensure the appropriate level of internal audit is undertaken.
- f) To ensure that a risk assessment is completed annually, and a risk register is maintained.
- g) To ensure that the Council's Asset Register is monitored and updated annually.
- h) To monitor the Council's overall compliance with the Financial Regulations adopted by the Council to ensure sound and open governance of financial matters and actions taken in the name of the Council.
- i) To review the Financial Regulations annually to ensure they are fit for purpose.
- j) To develop and keep under review the Strategic Plan, Business Plan, Mission Statement and Action Plan.
- k) To ensure the annual cyclical process of the Council setting strategic direction, goals and key processes is completed prior to the development of the annual Draft Budget.

- I) To report on Committee Meetings at Full Council meetings, identifying any specific issues for further action by the Council.

5.4 Employment Committee Terms of Reference

Membership: Maximum of 5

Quorum: 3

Frequency: quarterly or as required.

5.4.1 Purpose

The purpose of the Employment Committee is to foster good working relations between the Council and its employees, oversee compliance with all relevant employment related legislation, review staffing requirements in line with any adopted strategic plan, adopt and periodically review employment related policies, oversee the implementation of adopted policies, monitor spending within budgets, annually prepare a budget for consideration by Council, and be responsible for the recruitment (but not appointment) and line management of, the Town Clerk. Membership will be offered only to those Council members who commit to attending all training offered, including but not limited to specific employment related training.

5.4.2 Specific Responsibilities

- a) To determine the Council's staffing structure.
- b) To oversee the recruitment, appointment, induction, training, remuneration and management of all staff.
- c) To receive recommendations from the Clerk, and recommend to Full Council, changes and updates to documents relating to employees including Employment-related policies, Employment Contracts and Job Descriptions, and the Staff Handbook to comply with Employment law, and within ACAS guidelines. Health and Safety Law and Conditions of Service.
- d) To ensure that appropriate and adequate professional HR advice/advisors are available for the Council and the Clerk.
- e) To oversee the development of a performance management programme that links the Strategic Plan to staff development and performance against specific targets.
- f) To line manage and support the Clerk.
- g) The Chair of Council and the Chair of the Employment Committee to provide line management of the Clerk including carrying out regular appraisals of the Clerk
- h) To receive regular reports on staff absence and ensure compliance of absence management with the relevant policy.
- i) To manage all elements of recruitment to the post of Clerk and to make recommendations to Full Council.
- j) In conjunction with the Clerk, the Chair of Employment and Chair of Council, to manage any overtime budget and agree any additional hours to be worked within the financial

constraints of that budget including those undertaken by the Clerk.

- k) Chair of Employment and Chair of Council to attend periodic Staff Team Meetings.
- l) Oversee activities related to the Employee Recognition programme

5.5 Planning Committee

Membership: Maximum of 7

Quorum: 3

Frequency: Monthly or as required

5.5.1 Purpose

The Planning Committee is responsible for considering all applications for planning permission, Listed Building consent, conservation area consent, tree preservation and highways issues as a Statutory consultee and respond via the North Norfolk District Councils planning portal. The Committee may from time to time investigate, discuss, or review matters outside its Terms of Reference if required to do so by the Council.

5.5.2 Specific Responsibilities

- a) To review and comment upon all planning applications within the parish, and those which are of relevance in immediately boarding parishes.
- b) To consider both the Local Neighbourhood Plan (when established), NNDC Planning Policy, and Core Strategy when submitting any comments to the Planning Officers.
- c) Delegated authority to instruct the Clerk's Office to write or use electronic communication, following the relevant planning meeting, to pursue any planning matters.
- d) To develop, implement and review the Local Neighbourhood Plan (when established).
- e) To engage in all consultative planning processes relating to developments and other initiatives that will impact upon the town.