

**APPENDIX II - NP EVIDENCE BASE  
CONSTITUTION OF WORKING GROUP**

<p><b>Terms of Reference</b> for Lamerton Parish Neighbourhood Plan Group</p>
<p><b>1. NAME OF GROUP</b> Lamerton Parish Neighbourhood Plan Group [‘the Group’] initiated on 30th July 2021 by Lamerton Parish Council [‘the Parish Council’] as the Qualifying Body. The Group shall be an advisory committee of the Parish Council and as such they can only advise and not make decisions</p>
<p><b>2. PURPOSE OF THE GROUP</b> 1] To provide written reports to the Parish Council with recommendations [a Roadmap] for the future development and completion of the Plan updated as required; 2] To represent the community and to make recommendations solely in terms of the public interest; 3] To ensure the process is as transparent as possible and in furtherance of this to register with the Proper Officer of the Parish Council any interests they have that might give rise to a conflict of interest in relation to the work of the Group 4] To support the Parish Council to carry out the functions necessary to facilitate the completion of the Neighbourhood Plan for Lamerton including [but not limited to] • following the Roadmap from time to time agreed by the Parish Council for the delivery of the Neighbourhood Plan • Plan Development and Delivery • Consultation procedures including ways of including the whole community • identifying and where appropriate revising Objectives and Scope of the Plan • additional information gathering necessary to provide robust evidence to support those Objectives • policy preparation 5] Through the Parish Council to seek Funding to facilitate and support the work and Objectives for the development of the draft Plan if considered by the Group to reflect the evidenced Objectives of the residents of the Parish as part of the past and potential future community consultation 6] to complete and deliver a Neighbourhood Plan that delivers the Objectives listed at Section 3 below</p>
<p><b>3. OBJECTIVES</b> To agree a Plan that:- 1] reflects the planning policies and priorities agreed by the Community; and 2] takes account of the evidence gathered; and 3] has due regard to the JLP and National planning policies; and 4] will pass independent examination; and 5] will be supported by the Community in a referendum</p>
<p><b>4. MEMBERSHIP</b> 1] There will be a Core Group [the ‘Core Group’] consisting of 3 Parish Councillors appointed by the Parish Council who will prepare for approval of the Parish Council a Roadmap for :- • consultation with the community; • the collection of evidence; and • the completion of the Neighbourhood Plan 2] Following the approval by the Parish Council of such Roadmap and the availability of funding to deliver, the Parish Council shall appoint a Wider Group [‘the Wider Group’] [membership of which may change over time] consisting of a minimum of 3 and a</p>

- maximum of 12 individuals who live, work or carry on business in the Parish;
- 3] Membership of the Wider Group shall be confirmed by appointment / determined by the Parish Council following recommendations of the Core Group
- 4] The membership of the Wider Group may be reviewed at any time by the Parish Council, but in any event at the Annual Parish Meeting to ascertain whether the availability, skills and knowledge of the membership of the Wider Group continues to be that required to deliver the Objectives
- 5] The Core Group and the Wider Group [together 'the Group'] may within the numbers set out above, request the Parish Council to appoint to vacancies, replace members to strengthen the skills and experience to support the work of the Group, or to co-opt non-voting volunteer members to strengthen the skills and experience in respect of any particular issues identified in the course of the completion of the Plan in accordance with the Objectives
- 6] The Group may co-opt non-voting volunteers as *experts* to support the work of the Group but such members will be subject to the requirements of section 7[B] [4] & [5] below
- 7] The Group may appoint Task and Finish Groups to carry out duties agreed by the Group including but not limited to Data Gathering, Consultations and Drafting Policies. Such sub-groups of the Group shall have a nominated lead person agreed by the Group and reporting to the Project Manager
- 8] All members of the Group shall agree on joining the Group to be bound by the Volunteer Agreement, Parish Council Code of Conduct and Standing Orders in so far as they apply to the work of the Group
- 9] For the avoidance of doubt, Clauses 5 [j] [vi] & 5 [j] [vii] of the Parish Council Standing Orders shall apply

#### **5. ACCOUNTABILITY**

The Group is a Parish Council Committee and is accountable to the Parish Council in its capacity as Qualifying Body, and to the wider community, for ensuring the Plan reflects its collective expectations. All participants will achieve this by being clear and open when individual roles or interests are in conflict, and by adhering to the operating rules and procedures of the Group [including the Volunteer Agreement] [see section 6 below]

#### **6. DECLARATIONS OF INTEREST**

For the avoidance of doubt

- 1] All Members of the Group will be required to comply with the Standing Orders of the Parish Council in relation to the declaration of Personal Prejudicial and Pecuniary Interests in respect of all matters concerning the preparation of the Plan.
- 2] If during the course of a meeting a member becomes aware of a Declarable Interest, the member must immediately declare the Interest and refrain from further discussion or voting thereon

#### **7. ROLES AND RESPONSIBILITIES**

##### **A] Roles:**

In order to ensure that the responsibilities for delivery of the project are not placed in 1 individual but that it remains a collaborative effort, none of the 3 roles below shall, other than in exceptional circumstances agreed by the Parish Council, be held by the same person.

- 1] The Parish Council will nominate from the Core Group a Councillor to be chairman of the Group.
- 2] the Parish Council will nominate the initial Project Manager from the Core Group to work with the Chair of the Group to prepare bids for funding and to consider applications to join the Wider Group
- 3] When the Group is fully constituted, it shall nominate for ratification by the Parish Council:

A Project Manager who will co-ordinate and oversee the process, including [in conjunction with the Chairman and Secretary] the preparation, collation, recording and publication of material relevant to the process where appropriate;

A Secretary who will, in conjunction with the Chairman and Project Manager, prepare and post agendas for meetings, minutes, reports, circulate updates, circulars and other required communications and who will be responsible for recording and reporting directly to the Proper Officer / RFO of the Parish Council regarding proposed expenditure, through whom all applications for funding [whether from an external source or from the Parish Council] will be made;

4] if no Secretary is available to the Group the Parish Council will support the work of the Parish Clerk carrying out these functions on behalf of the Group

#### **B] Responsibilities:**

1] All information and materials pertaining to the preparation of the Plan shall at all times belong to the Parish Council and shall be made available to the Proper Officer. All communications made or received by members of the Group must be copied to the Proper Officer of the Parish Council when made or received

2] Other responsibilities may be assigned by the Group to Members as issues emerge

3] the Parish Council insurance covers agreed activities of the volunteers of the Group as set out in the Volunteer Agreement.

4] Those providing professional services or advice whether as volunteer members of the Group or as independent providers [remunerated or otherwise] shall hold their own professional indemnity and other insurances as the Parish Council does not have insurance cover for such individuals. Evidence of cover to a level acceptable to the Parish Council will be produced to the Parish Council prior to appointment, or as requested, together with evidence of annual renewal

5] Any person using their professional status to provide services or advice to the Group shall produce evidence of such qualification[s] including current registrations with an appropriate professional governing body.

6] All appointments [including those of advisers] shall be reviewed by the Parish Council annually, normally at the Annual Parish Meeting

#### **8. MONITORING AND REVIEW**

1] The progress of the preparation of the Plan will be reported regularly by the Project Manager [or in his/her absence by the Chairman or Secretary] to the Parish Council on whose behalf the Group will work in accordance with the Objectives;

2] such reports will be made in writing monthly;

3] These Terms of Reference are intended to guide the processes and procedures of the Group and its relationship with the Parish Council. The Group should be mindful of compliance at all times;

4] In the event of changing or evolving circumstances it may be necessary for the Parish Council to review and revise these Terms of Reference and in any event annually at the Annual Parish Meeting;

5] arrangements for the review and monitoring the effectiveness of the Plan's implementation after adoption will be set out in the Plan

#### **9. DECISIONS**

1] The Parish Council will agree with the Officers of the Group a Neighbourhood Plan Roadmap setting out the tasks to be completed, and the order and timescale for completion of those tasks, together with consideration of available funding. The monthly reports will include an update of completion of tasks against the agreed Roadmap that shall be capable of variation and adjustment from time to time as appropriate and agreed with the Parish Council

2] The Group will refer proposals for any interim community consultations for the approval of the Parish Council;

3] The Group will submit a Revised Draft Plan to the Parish Council for approval prior to a further Reg 14 consultation and /or a period of Public Consultation on revisions to the existing Reg 14 draft Plan as the case may be, and as required;

4] The Group will submit to the Parish Council details of any further revisions at each subsequent stage following such consultations for approval before proceeding to the next stage of submission to WDBC, for external examination, for referendum, or as may be advised or required;

5] In the event of the Group being unable to reach a majority decision, the Parish Council will consider any issue[s] referred to it under section 10[4] below.

#### **10. MEETINGS AND VOTING**

1. [A] The Group shall normally meet monthly; at such meetings, business will only proceed to be conducted if at least 2 members of the Core Group are present, but may continue as an informal workshop in the event that this requirement is not met;

1. [B] In the event that the Chair of the NPG is not able to attend a meeting, the role of chair for that meeting will be taken by one of the other Core Group members present chosen for that meeting by a poll of members of the Group present on the night

2. The date of the next meeting will be decided before the close of the next meeting and be published on the Parish Council website calendar for the Neighbourhood Plan Group;

3. The Secretary of the Clerk to the Council will keep a record

4. It is desired that the Group will seek to achieve a consensus wherever possible; to facilitate good decision making it will ensure that:-

1] clear and specific motions will be put at Group meetings;

2] a formal vote of members entitled to vote by show of hands will be taken;

3] a majority of those present will determine the Group's decision on any motion;

4] in the event of a tie, the motion will be referred to the Parish Council as the Qualifying Body, for full discussion and final resolution. In that instance it will be appropriate for a report/reports to be prepared and presented for the Parish Council clearly setting out the issues and all the conflicting points of view of Group Members;

5] it shall be open to a member or group of members of the Neighbourhood Plan Group to prepare a minority recommendation to put to the Parish Council for its consideration.

#### **11. FUNDING**

The Group will seek prior approval from the Parish Council for all planned expenditure and provide evidence of compliance with budgets. Procurement will be through the Proper Officer of the Parish Council and all goods and services shall be and remain the property of the Parish Council.

Project costs can be met from a variety of external sources:-

1] Government funding in the form of grants - further grants *may* be available for the preparation of independent reports for Housing Need and Site Assessment; at the present time the availability of such funding from Locality is not confirmed and the work of the Group is dependant on the good-will of the Parish Council and/or WDBC. All grants and funding will be applied for and held by the Parish Council, will be ring fenced and used solely for Neighbourhood Plan purposes.

2] Government funding in the form of technical advice in considering issues like viability of sites

3] WDBC support - advisory assistance and expertise, further regulation 14 review of the draft Plan if required, cost of independent review [examination] and community referendum;

**There may be a need for Parish Council funding in respect of the following:-**

4] hiring public venues for meeting and public consultations;

5] printing of documents / communications for public circulation and costs of circulation;

6] advice from external consultant[s] not covered at sections 11[1], [2] and [3] above;

7] the use of the Clerk to the Parish as may from time to time be agreed between the

Group and the Parish Council

## **12. ADDITIONAL RESOURCES**

- 1] Time and expertise of members of the Group;
- 2] the help and support of the Parish Council;
- 3] the engagement and support of the Community;
- 4] advice and assistance of other Neighbourhood Plan groups;
- 5] Government websites;
- 6] information and data published by Government and Devon County Council

## **13 PUBLIC ENGAGEMENT**

The Parish Council will facilitate the use by the Group of the Parish Council website and Parish Council notice board[s] for the publication of information relating to the work of the Group and the development / completion of the Plan. The use of social media and other forms of communications will be subject to the Parish Council's Communications and Engagement policies from time to time applying

- 1] Group meetings will be open to the public; such meetings will be held upon the same terms and conditions as apply to Parish Council meetings under the Standing Orders of the Parish Council, including as to the notification of meetings and agendas
- 2] meetings will be recorded by means of a recording device where-ever possible so that minutes of the meetings and decisions taken can be accurately prepared and published, otherwise a manuscript record of the meeting will be taken by a nominated member of the Group acting as secretary for the meeting;
- 3] Updates will be posted to the website and notice board[s] not less frequently than monthly;
- 4] A register of members of the Group along with their contact details [and, where relevant, any declared interest[s]- Section 6 above] will be maintained on the website;
- 5] where agreed by the Parish Council [Section 9[2]], public consultations or events as

## **14. CONFLICT RESOLUTION**

- 1] In the event that the Group should be unable or unwilling to complete the task for which it has been set up in accordance with Section 2 & 3, the Parish Council may resolve to
  - [a] discharge the Group in its entirety; or
  - [b] discharge such members of the Group as the Parish Council shall, at its absolute discretion, decide are failing to facilitate the work of the Group.
- 2] In the event that a Group Member who is not a parish councillor, is, upon reasonable enquiry, deemed to have behaved contrary to the Standing Orders or Code of Conduct of the Parish Council, the Parish Council may discharge the member from the Group, and the decision of the Parish Council shall be final
- 3] A majority of voting members of the Group may seek approval from the Parish Council to dissolve the Group
- 4] All documentation created or maintained by or on behalf of the Group or individual members shall on the happening of any of the above events be delivered forthwith to the Proper Officer of the Parish Council