

Ashton Town Board: Terms of Reference (DRAFT)

Purpose

The Ashton Town Board will be the vehicle for the preparation of the Ashton Town Plan as part of the Long Term Plan for Towns programme and will provide challenge and accountability to ensure local priorities are progressed and delivered in a timely, cost efficient way through the review and monitoring of the implementation of the Ashton Town Plan.

Scope of the Ashton Town Board

The role of the Board is to be responsible for:

- Identifying the issues and priorities to focus on within the Town Plan, including supporting a process of ongoing community engagement.
- Working with the Council to develop the Town Plan, setting out how local partners will use their knowledge, powers, assets and new funding to deliver for their communities.
- Identifying opportunities for Board members to utilise specific powers to deliver the Town Plan.
- Identifying opportunities to bring in additional investment.
- Overseeing the delivery of projects set out in the Town Plan.

The Board may establish such sub-groups, consultative bodies etc. as it considers necessary to assist in the delivery of its functions.

The Board will serve as an advisory body to Tameside Metropolitan Borough Council who are the accountable body (see below).

Accountability

Tameside Metropolitan Borough Council (the Council) is the accountable body for the Ashton Town Board, as determined by the guidance released by the Department for Levelling Up, Housing and Communities, [Long-Term Plan for Towns: guidance for local authorities and Town Boards - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/long-term-plan-for-towns-guidance-for-local-authorities-and-town-boards). This lead role is undertaken by the executive of the Council, which is led by the Executive Leader.

The Board is established as a sub-board of the Tameside Metropolitan Borough Council Executive Cabinet. The Executive Cabinet will support the work of the Ashton Town Board and the Ashton Town Plan and any further strategic documents.

Membership

Town Board must be chaired by a local community leader or local businessperson with the membership requirements from the Government guidance set out in Table 1 below.

Table 1: Town Board Required Membership

Required Membership	Notes
Parliamentary representatives	The relevant local MP(s) whose constituencies sit within the boundary of the town must sit on the Town Board.
Local councillors	In unitary authorities, there should be two councillors from the authority. This will consist of two Ashton Ward Councillors and an opposition member Ashton Councillor if there is one.
A senior representative from the police	It is expected that this will be the Police and Crime Commissioner (PCC), though subject to the agreement of the chair, a local senior representative from the police can act as an alternative.
Other membership tailored to local context	This is at the Chair's discretion and the guidance is non-prescriptive in terms of these requirements

Phill Brown will undertake the role of Chair of the Town Board. The membership of the Town Board, in addition to the mandatory requirements set out above at Table 1, will be agreed with the Chair prior to the first meeting of the Town Board and be reflected in an updated version of these Terms of Reference.

Additional organisations may be included in the work of the Board, either through membership or through engagement activity:

Members of the Board are expected to promote and gain the support of their organisations or umbrella groupings to the Ashton Town Plan programme of interventions.

Conduct of Board members

Members of the Board must adhere to the Seven Principles of Public Life (also referred to as the 'Nolan Principles'):

1. Selflessness – Board members should act solely in terms of the public interest.
2. Integrity – Board members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. Objectivity – Board members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
4. Accountability – Board members are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
5. Openness – Board members should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
6. Honesty – Board members should be truthful.
7. Leadership – Board members should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

All Members of the Board must comply with their own organisations' Code of Conduct (or like document). All Members of the Board generally, and all Members of the Board specifically who may not be subject to a Code of Conduct (or like document), must be aware of and comply with the generality of the Council's Code of Conduct for Members (but not with any requirement to register interests) at Appendix 2 to this document.

Chair / Vice Chair

Phill Brown will undertake the role of Chair of the Town Board.

At the first meeting the Board will also appoint a Vice Chair from among its members to act in the absence of the Chair.

If both the Chair and the Vice Chair are absent from a meeting of the Board, the members of the Board present shall appoint one of their number to chair that meeting.

Subsequent Annual Meetings of the Board will confirm appointment of the Chair and the Vice Chair for the following year.

Meeting arrangements

The Board will meet quarterly or on such other frequency as may be determined by the Board. The Chair may determine to hold an emergency or special meeting of the Board and shall specify such reason when the meeting is convened.

The secretariat shall give notice to the members of the Board no later than five clear working days prior to the meeting, unless the meeting is convened at shorter notice.

The secretariat shall issue copies of the agenda and reports to members of the Board at least five clear working days before the meeting, unless the meeting is convened at shorter notice in which case the agenda and reports will be available as soon as available. Where reports are prepared after the agenda has been issued, such reports will be circulated to members of the Board as soon as the report is available.

Papers to be made available to the public

When issuing copies of the agenda and reports to members of the Board, the papers will be made available for public inspection on the Council's website. In making papers available for public inspection, there is no requirement to make available information which is confidential and no absolute requirement to make available exempt information.

Confidential information means information given to the Council [or to an individual or an organisation represented on the Board] by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

Exempt information means information falling within the following categories -

1. Information relating to any particular individual.
2. Information which is likely to reveal the identity of any individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council [or an organisation represented on the Board], or a Minister of the Crown, and any employees of, or office holders under, the Council [or an organisation represented on the Board].
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information reveals that the Council [or an organisation represented on the Board] proposes:
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Certain of the above exemptions are conditional, and these are detailed in Appendix 1 to this document.

There is a discretion as to whether exempt information can be made available to the public and the public interest test must be applied. In all cases, before determining to withhold information from the public, the report author must be satisfied that, in all circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

At meetings of the Board, the Board shall determine whether to maintain the exemption claimed in respect of reports withheld from public inspection.

Meeting Procedures

Business to be transacted

1. Appointment of Chair – to be undertaken at the first meeting of the Board and at subsequent Annual Meetings;
2. Appointment of Vice Chair – to be undertaken at the first meeting of the Board and at subsequent Annual Meetings;
3. Apologies for absence;
4. Notice of any urgent business to be accepted onto the agenda and of reasons for that urgency;
5. Declarations of Interest;
6. Minutes of the previous meeting; and
7. Any procedural business as listed on the agenda or accepted as urgent business including
 - i. Consideration of the Terms of Reference of the Board; and/or
 - ii. Membership issues; and/or
 - iii. Determination as to whether to maintain any exemption claimed in respect of reports withheld from public inspection
8. Substantive business for the meeting as shown on the agenda or accepted as urgent business.

Quorum

No business shall be transacted unless there is a quorum of 6 or more voting members in attendance, provided that those voting members in attendance include at least one Elected Member of the Council and one representative of the private sector.

If a quorum is not present ten minutes after the scheduled start of the meeting, the meeting shall not be held. If a meeting in progress become inquorate, the meeting shall cease immediately and no further business considered.

Apologies for absence

In reporting any apology for absence, any substitute members in attendance will make themselves known and, if attending in place of a voting member, confirm whether they are authorised to vote.

Declarations of Interest

Members of the Board shall declare such interests in the business listed on the agenda as may be required by their own organisations' Code of Conduct (or like document) and, if so required, leave the meeting for the duration of the consideration of that business.

Members of the Board not subject to a Code of Conduct (or like document) should have regard to the Council's Code of Conduct and declare such personal, prejudicial and pecuniary interests.

Minutes

Minutes of the previous meeting are submitted only for consideration as to whether those minutes are a correct record. No other substantive consideration shall be permitted on consideration of the submitted minutes.

Only those parts of the minutes that do not contain confidential or maintained exempt information shall be published to the public.

Voting

The Chair and the Board will seek to reach decisions on the basis of a consensus. In the event of a vote, the vote shall be taken by a show of hands from all those present and eligible to vote. The Chair shall not have a second and casting vote.

In the event of any dispute concerning the conduct of meetings, the content and intention of the Council's Procedure Rules will be considered and applied.

Reporting

The Board will report to the Council's Executive Cabinet as and when decisions are required of the Executive Cabinet or, in any event, on an annual basis.

The Board will likewise report to any member of the Board and/or member organisation as and when decisions are required of that person or organisation, and will make the annual report prepared for the Council's Executive Cabinet available to all members of the Board and member organisations.

Complaints

Complaints about any matter related to the Ashton Town Board may be submitted through the Council's complaints arrangements and be considered, so far as possible, through the Council's complaints processes.

Complaints about individual members of the Board should be made to that member's employing or nominating body or, in respect of individuals, whatever formal complaints arrangements may apply to that individual.

Whistleblowing

Any person wishing to use whistleblowing procedures concerning any matter related to the Ashton Town Board would be encouraged to make such concerns known to the LCouncil which shall, so far as is appropriate, follow the procedures in the Council's Whistleblowing Policy.

Notwithstanding, an employee of a constituent organisation could use the established procedures for their own organisation though concerns may need to be shared with the Council in order for a proper consideration of matters raised.

Review of Terms of Reference

These Terms of Reference will be reviewed on an annual basis and in any event be submitted to the Annual Meeting for re-affirmation.

APPENDIX 1

Qualifications and definitions applying to exempt information

1. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

“Financial or business affairs” includes contemplated, as well as past or current, activities;

Information is not exempt if it must be registered under

- (a) the Companies Acts (as defined in section 2 of the Companies Act 2006);
- (b) the Friendly Societies Act 1974;
- (c) the Friendly Societies Act 1992;
- (d) the Co-Operative and Community Benefits Societies Act 2014;
- (e) the Building Societies Act 1986; or
- (f) the Charities Act 2011.

“Registered” in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

2. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council, or a Minister of the Crown, and any employees of, or office holders under, the Council.

“Employee” means a person employed under a contract of service.

“Labour relations matter” means—

- (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or
- (b) any dispute about a matter falling within paragraph (a) above; the enactments in paragraph (a) applying, with the necessary modifications, also to office-holders under the authority.

“Office-holder”, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.

Information that falls within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority (the Council) can grant itself planning permission or permission in principle under Regulation 3 of the Town and Country Planning General Regulations 1992.
