

WTC Parks & Public Realm – Standing Committee

Terms of Reference – Civic Year 2023/24

Adopted at Full Council on 11/05/2023 (WTC/FC/ACM/05/2324)

1. Objective

The Parks and Public Realm Committee provides strategic management and operational oversight of Open Spaces, Public Facilities, Clocks, Allotments, Community Safety, Street Lighting, CCTV and Burial Facilities. This list is not exhaustive, and the Committee may be tasked with other, related areas of responsibility as seen fit, by Full Council.

The Committee is established under guidance given in the Local Government Act 1972, ss 101-106 / Sch 12, Local Government and Housing Act 1989, s13, Parish and Community Councils (Committees) Regulations 1990 (SI 1990 No 2476), other legislation and future guidance as may be issued affecting the establishment and management of Council Committees.

It is a Standing Committee of the Council and, as such, is granted delegated powers as defined in the Council's Standing Orders, Financial Regulations and Scheme of Delegation. The Committee is governed by the Council's Standing Orders, Financial Regulations, Scheme of Delegation and Code of Conduct.

Under delegated powers, the Committee may establish Working and/or Advisory Groups to carry out research, investigations, and other initiatives to further achieve WTC strategic objectives. The Committee oversees recommendations from the WTC Cemetery Advisory Group.

2. Membership

Membership shall consist of five WTC Councillors and a quorum shall consist of three members. Non-councillors may be invited to participate on the Committee should it be felt that external expertise is required, with reference to the Proper Officer.

All members of the Committee will have an equal vote, where necessary and the Chairman of the Committee will be appointed at the first Committee Meeting of the Civic Year.

The Council Chairman (Mayor) may act as a full member of the Committee is selected to be a member, or otherwise may attend in an 'ex-officio' capacity with voting rights. Councillors not on the Committee are able to attend meetings and participate as permitted by the Chairman of the Working Group, though are not allowed to vote on decisions of the Committee.

3. Areas of Responsibility

Specific areas of responsibility for the Committee are included below, including delegated functions, where defined.

4. Meetings

The Committee's schedule of meetings is agreed by the Full Council, though the Chairman, Full Council or Committee Members may call additional extra-ordinary meetings as necessary to enable the Committee's business to be transacted (as defined in WTC Standing Orders).

Minutes of Committee Meetings will be presented to Full Council and form part of the minutes of the Council meeting at which they are presented.

5. Review

The terms of reference of the Committee are to be reviewed annually.

WTC PARKS AND PUBLIC REALM COMMITTEE – AREAS OF RESPONSIBILITY AND DELEGATED FUNCTIONS

Committee Function / Power	Delegation of Function
<p>1. Leisure and Recreation</p> <p>a. Power to maintain land for open spaces. Public Health Act 1875, s164; Open Spaces Act 1906, s9 and 10</p> <p>b. Power to acquire land for or to provide recreational grounds, public walks, parks, pleasure grounds and to manage and control them. Power to provide gymnasiums, playing fields and boating pools. Local Government Act 1972, sch. 14; Public Health Acts Amendment Act 1890, s44; Local Government (Miscellaneous Provisions) Act 1976, s19; Public Health Act 1961, s54</p> <p>c. Management and enhancement of play areas (including skate parks).</p> <p>d. Setting conditions of use and provision of equipment for areas under Whitchurch Town Council control.</p> <p>e. Liaison with community organisations with an interest in the town’s recreational facilities.</p> <p>f. To work in partnerships with external groups to further the management and development of Council facilities or services.</p>	<ul style="list-style-type: none"> • Strategic management within Policy and Budget to Committee • Operational management within Policy and Budget to Proper Officer • All matters in relation to acquisition or disposal of assets rests with Full Council with recommendation/s from WTC Oversight Committee
<p>2. Clocks</p> <p>a. To provide and maintain public clocks. Parish Councils Act 1957, s2, 5 and 6</p>	<ul style="list-style-type: none"> • Strategic management within Policy and Budget to Committee • Operational management within Policy and Budget to Proper Officer
<p>3. Allotments</p> <p>a. To provide allotments where there is a proven need, improve land and let rights. Smallholding and Allotments Act 1908, s23,26 and 42</p>	<ul style="list-style-type: none"> • Strategic management within Policy and Budget to Committee • Operational management within Policy and Budget to Proper Officer
<p>4. Entertainment and The Arts (Outdoors)</p> <p>a. To provide entertainment and support for the arts. Local Government Act 1972, s145</p>	<ul style="list-style-type: none"> • Strategic management within Policy and Budget to Committee • Operational management within Policy and Budget to Proper Officer
<p>5. The Management of the Public Realm and Public Facilities</p> <p>a. To provide litter receptacles. Litter Act 1983, s5 and 6</p> <p>b. To provide and maintain public conveniences. Public Health Act 1936, s87</p> <p>c. To provide and maintain street furniture and signs.</p> <p>d. To maintain, repair, protect and alter War Memorials. War Memorials (Local Authorities) Act 1923, s11 as extended by the Local Government Act 1948, s133</p> <p>e. To promote and support floral and planting initiatives. Local Government Act 1972, s144</p> <p>f. To provide and maintain bus shelters. Local Government (Miscellaneous Provisions) Act 1953, s4</p> <p>g. Matters relating to street cleaning, litter, flyposting, and graffiti. Fixed penalty notices for littering, flyposting, and graffiti (adoptive). Dog Control Orders, Clean Neighbourhoods & Environment Act 2005 (if adopted)</p>	<ul style="list-style-type: none"> • Strategic management within Policy and Budget to Committee • Operational management within Policy and Budget to Proper Officer • Adoption of legislation must sit with Full Council • The responsibilities of the Principal Authority for the provision of some of these functions must be considered.
<p>6. Highways and Transport – non-exhaustive powers include:</p> <p>a. To maintain footpaths and bridleways. Highways Act 1980, s43 and 56</p> <p>b. To provide parking spaces for vehicles and cycles. Road Traffic Regulation Act 1984, s57</p> <p>c. To improve off-street parking and off-street parking enforcement. Road Traffic Regulation Act 1984, s57; Protection of Freedoms Act 2012, s53(3)</p> <p>d. To provide roadside seats and shelters. Parish Councils Act 1957, ss1,5,6,7; Local Government (Miscellaneous Provisions) Act 1953, ss4 and 5</p>	<ul style="list-style-type: none"> • Strategic management within Policy and Budget to Committee • Operational management within Policy and Budget to Proper Officer • Adoption of legislation must sit with Full Council

<p>e. To contribute financially to traffic calming schemes. Highways Act 1980, s274A</p> <p>f. To plant trees and lay grass verges and to maintain them.</p> <p>g. To establish and / or support car sharing schemes, taxi fare concessions and information about transport. To support approved community transport schemes. Local Government & Rating Act 1997, ss26, 28, 29</p> <p>h. To erect flagpoles in highway land. Highways Act 1980, s144</p>	<ul style="list-style-type: none"> • The responsibilities of the Principal Authority for the provision of some of these functions must be considered.
<p>7. Community Safety</p> <p>a. To install and maintain equipment for the detection and prevention of crime, including CCTV, in the town centre and public open spaces. Local Government and Rating Act 1997, s31</p> <p>b. To liaise with the Police Authority, especially the Safer Neighbourhood Team, in relation to the detection and prevention of crime in the town centre and public open spaces.</p> <p>c. To support the initiatives of the Community Safety Partnership and Chair to participate on Policing Panel Partnership.</p>	<ul style="list-style-type: none"> • Strategic management within Policy and Budget to Committee • Operational management within Policy and Budget to Proper Officer
<p>8. Streetlighting</p> <p>a. To light roads and public places – including maintenance and upgrade. Parish Councils Act 1957, s3; Highways Act 1980, s301; Local Government Act 1972, Schedule 14, para 27</p>	<ul style="list-style-type: none"> • Strategic management within Policy and Budget to Committee • Operational management within Policy and Budget to Proper Officer • The responsibilities of the Principal Authority for the provision of some of these functions must be considered.
<p>9. Burial Facilities</p> <p>a. To maintain closed churchyards. Local Government Act 1972, s215</p> <p>b. To maintain monuments and memorials. Open Spaces Act 1906, ss9 and 10; Local Government Act 1972, s214; Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s1</p> <p>c. To maintain and manage Cemeteries or contribute toward expenses of Cemeteries. Local Government Act 1972, s214, 215 and 214(2); Local Authorities Cemeteries Order 1977</p> <p>d. To issue Exclusive Rights of Burial or other rights. Local Authorities Cemeteries Order 1977 (SI1977, 204)</p>	<ul style="list-style-type: none"> • Strategic management within Policy and Budget to Committee • Operational management within Policy and Budget to Proper Officer • Acquisition and further provision must be considered by Full Council • Management of the Cemetery must be in conjunction with the Cemetery Advisory Group, which contains external representation from Marbury Parish Council