

Crosthwaite and Lyth Parish Council
Neighbourhood Development Plan Working Group

TERMS OF REFERENCE

December 2022

1. Crosthwaite and Lyth Parish Council is committed to producing a Neighbourhood Development Plan subject to the criteria described below and to all members of the Group signing up to the Parish Council Code of Conduct¹ and the Nolan Principles.²
2. Crosthwaite and Lyth Parish Council is the qualifying body for the preparation of a Neighbourhood Development Plan for its civil parish.
3. The Working Group is to be called the Neighbourhood Plan Working Group (NPWG) which must operate at all times within these Terms of Reference.
4. The Members of the NPWG are appointed by the Parish Council and the NPWG must report and make recommendations to the Parish Council at every monthly meeting. The Parish Council will approve or otherwise recommendations from the NPWG. The NPWG will elect its own Chair who will work in close liaison with the Parish Council.
5. To ensure transparency, openness, accountability and community involvement the NPWG shall operate as follows:
 - a) Meetings are to be advertised a minimum of 3 working days in advance with an agenda sent to the Parish Council Clerk (the Clerk) to be put onto the Parish Council website;
 - b) All members are to be invited to all meetings;
 - c) The Group shall meet in public in a public place such as the Parish Room, Church, School or Village Hall;
 - d) Unless advertised as public open meetings for the purpose of community engagement, meetings of the Working Group will be held to conduct Working Group business and, subject to Clause 5(e) will not be open to public intervention or response / comment except by invitation.
 - e) There will be an open session in each meeting to enable members of the public to contribute in accordance with provisions detailed in Annex 3.³
 - f) Minutes of each meeting are to be sent to the Clerk to be circulated to all Councillors and put onto the Parish Council website.
 - g) Proceedings shall be regulated by these Terms of Reference which the Parish Council may amend as it deems necessary or appropriate.
6. Budgets and all expenditure are to be approved by the Parish Council prior to actual costs being incurred. All terms of engagement, contracts and costings must be agreed after scrutiny by the Clerk, the Responsible Finance Officer (RFO) and the Parish Council. The RFO is the legal and financial officer tasked with the stewardship of public money. No costs must be incurred without a properly tabled proposal on the Parish Council agenda and a subsequent vote of approval.
7. Criteria for Group membership: To ensure proper representation to the NPWG from all geographic areas of the Parish and from all walks of life, the following are the criteria for selecting group members. The NPWG shall have a minimum of 7 members, at least 2 of whom should be Parish Councillors, and a maximum of 11, not including the Chair of the Parish Council, who will be an ex officio member. The NPWG needs local knowledge, representatives from all parts of life and preferably some members experienced in planning, drafting policies, housing and development. A minimum

¹ See Annex 1

² See Annex 2

³ See Annex 3

of 5 members of the NPWG must attend each meeting for there to be a quorum. The Group will appoint a Secretary from within its number or as an additional non-participating attendee to publicise meetings, take notes and prepare Minutes.

8. All communications within the NPWG will go to all members of the NPWG and be copied into the Chair, Vice Chair and Clerk to ensure complete openness and transparency. A written draft of any community consultation document must be approved by the Parish Council before circulation. All publications, communications and community engagement exercises are to be undertaken under the name of Crosthwaite and Lyth Neighbourhood Development Plan. The NPWG shall not use its email account or email contacts list for any business other than the work of producing a neighbourhood plan. For the duration of the NPWG, members should remain publicly impartial about planning matters and avoid any action that might cause residents to be confused about the purpose of the Neighbourhood Development Plan or that might seek to influence the community in any way. It is, however, acceptable for a member to apply for planning permission, support such an application or object to one in a personal capacity.
9. The task of the NPWG is to produce a Neighbourhood Development Plan by gathering analysis and evidence on which it will advise the Parish Council throughout the project. If it is found that there is not sufficient support, interest or evidence from the community to take the Neighbourhood Development Plan forward, or if the terms of reference above are not met, the Parish Council will review the process.

Agreed by the Parish Council

05 December 2022

CODE OF CONDUCT

FOR MEMBERS AND CO-OPTED MEMBERS OF THE CROSTHWAITE AND LYTH PARISH COUNCIL

1. Crosthwaite and Lyth Parish Council has adopted the following code dealing with the conduct that is expected of members and co-opted members of the Council ("Members") when they are acting in that capacity as required by section 27 of the Localism Act 2011 ("the Act").
2. The Council has a statutory duty under the Act to promote and maintain high standards of conduct by Members and the Code sets out the standards that the Council expects Members to observe.
3. The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.
4. The code is intended to be consistent with the seven principles as attached to this code and applies whenever a person is acting in his/her capacity as a Member of the Council or co-opted member in the conduct of the Council's business or acting as a representative of the Council.
5. When acting in your capacity as a Member
 - (1) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend, a close associate, an employer or a business carried on by you.
 - (2) You must not place yourself under a financial or other obligation to outside individuals or organisations that may influence you in the performance of your official duties.
 - (3) You must not disclose any information given to you as a Member in breach of any confidence.
 - (4) You must not bring your office or your Council into disrepute.
 - (5) You must treat others with respect and promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the Council's statutory officers and its other employees.
 - (6) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits on merit.

- (7) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- (8) You must be as open as possible about your decisions and actions and the decisions and actions of your Council and should be prepared to give reasons for those decisions and actions.
- (9) You must declare any private interests, both disclosable pecuniary interests and any other registrable interests, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner which conforms with the procedures set out below.
- (10) You must ensure, when using or authorising the use by others of the resources of your Council, that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Council Code of Publicity made under the Local Government Act 1986.
- (11) You must promote and support high standards of conduct when serving in your office.

Registering and declaring disclosable pecuniary and other registrable interests

- (1) You must, within 28 days of taking office as a member or co-opted member, notify your Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. These interests and those at (2) below are shown attached to this code.
- (2) In addition, you must, within 28 days of taking office as a member or co-opted member, notify your Council's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your Council has decided should be included in the register.
- (3) If an interest has not been entered onto the Council's register, then the member must disclose the interest to any meeting of the Council at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest' as described by the Localism Act 2011.
- (4) Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
- (5) Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your Council.

PECUNIARY AND OTHER REGISTRABLE INTERESTS

DISCLOSABLE PECUNIARY INTERESTS (as defined by regulations)

1. Details of any employment, office, trade, profession or vocation carried on for profit or gain.
2. Details of any payment or provision of any other financial benefit (other than from the relevant Council) made or provided within the relevant period in respect of any expenses incurred by a Member in carrying out duties as a member, or towards the election expenses of the Member. (This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
3. Details of any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Council –
 - (a) under which goods or services are to be provided or works are to be executed; and
 - (b) which has not been fully discharged.
4. Details of any beneficial interest in land which is within the area of the relevant Council.
5. Details of any licence (alone or jointly with others) to occupy land in the area of the relevant Council for a month or longer.
6. Details of any tenancy where (to the Member's knowledge) –
 - (a) The landlord is the relevant Council; and
 - (b) The tenant is a body in which the relevant person has a beneficial interest.
7. Details of any beneficial interest in securities of a body where
 - (a) That body (to the Member's knowledge) has a place of business or land in the area of the relevant Council; and
 - (b) Either –
 - (i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) If that share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

OTHER REGISTRABLE INTERESTS

These interests are what the Council has determined should be entered into the Council's register of interests

8. Details of any body of which you are a member, or in a position of general control or management, and to which you are appointed or nominated to by the District Council.
9. Details of any body of which you are a member, or in a position of general control or management, and which:
 - (a) Exercises function of a public nature;
 - (b) Is directed towards charitable purposes; or
 - (c) Is a body which includes as one of its principal purposes influencing public opinion or policy (this includes political parties or trade unions).
10. Details of any persons from whom you have received a gift or hospitality with an estimated value of at least £50. (You must register any gifts or hospitality worth £50 or over that you receive personally in connection with your official duties).

THE NOLAN PRINCIPLES

In addition to the Code of Conduct (Annex 1), Crosthwaite & Lyth Parish Council adheres to the Seven Principles of Public Life known as “The Nolan Principles”:

- **Selflessness** – Holders of public office should act solely in terms of the public interest.
- **Integrity** – Holders of public office 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 to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- **Objectivity** – Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **Accountability** – Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness** – Holders of public office 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.
- **Honesty** – Holders of public office should be truthful
- **Leadership** – Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs

These Seven Principles apply to anyone who works as a public office holder including

- Those elected or appointed to public office, nationally or locally,
- Those appointed to work in the civil service, local government, the police, courts and probation services, Non Departmental Public Bodies, and in the health, education, social and care services, and
- Those in the private sector delivering public services.

**PROVISIONS FOR THE PUBLIC TO SPEAK AT METINGS OF THE
CROSTHWAITE & LYTH NEIGHBOURHOOD PLAN WORKING GROUP**

1. Members of the public may make representations only at the agenda item dedicated to Public Participation.
2. A member of the public shall not speak for more than three minutes.
3. The period of time designated for public participation shall not exceed 12 minutes unless directed by the Chairman of the meeting.
4. Any question raised during Public Participation shall not require a response at the meeting nor start a debate on the question. The Chairman of the meeting may direct that a written or oral response be given.
5. Where invited by the Chairman of the meeting, a member of the public may answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

"Written observations may be submitted to the Working Group, which may be answered verbally at a meeting or by written response at the Chairman's discretion. Correspondence will be recorded in the Minutes."