



ST MEWAN PARISH COUNCIL

Terms of Reference 2017-2018

Rights of Way Committee

1. OBJECTIVE: To improve the quality of life in the Parish by:

1.1 Monitoring and maintaining the designated Parish Council footpaths, bridleways and byways of which they are responsible for.

- In an efficient and cost, effective manner.

2. COMPOSITION:

2.1 *Membership:* The committee will consist of:

- 5 Councillors appointed by the council at the Annual Council Meeting in May of each year.
- Up to 4 volunteer members of the public appointed by St Mewan PC

2.2 *Chairmanship:* The committee will elect a Chair and Vice Chair from its Councillor Members at the first meeting after the Annual Council Meeting.

3. MEETINGS:

3.1 *Schedule of Meetings:* Minimum of 2 per annum.

3.2 *The Quorum:* Will be a minimum of 3 Councillor Members.

3.3 *Voting:* The volunteers may not vote on resolutions made by the Committee.

3.4 *Minutes:* The Committee will be responsible for ratification of the minutes and will be available in a timely publication of the minutes

3.5 *Councillors:* The Code of Conduct and the Seven Nolan Principles will apply. The Code of Conduct and the Seven Nolan Principles will apply to all members of the committee and volunteers. A copy of the Code of Conduct will be given to non- councillor members.

3.6 *Conduct of Meetings:* Declaration of interest, debate, voting etc will be governed by the Council's Standing Orders.

3.7 *Extra Ordinary Meeting:* Can be convened by the Proper Officer or Chairman of the Committee.

3.8 *Venue:* St Marks Church Hall, Trewoon Village Hall and Polgooth Village Hall

3.9 *Timing:* 6.00 pm unless agreed otherwise

4. RIGHTS, POWERS AND DELEGATION:

4.1 The Committee may spend monies subject to the following limitations:

- Extent of the footpath budget - referral to the Finance Committee for recommendation to Full Council
- Amount of expenditure on any single transaction as per the Council's Financial Regulations and Delegated Powers

4.2 The Committee may make recommendations to the Council for consideration and approval.

4.3 Matters of an urgent nature requiring settlement before the next meeting of the Council may be dealt with by the Parish Clerk in conjunction with the Chairman and if not the Chairman two other Councillors at their discretion to exercise or authorise and carry out that function but must be submitted for approval at the next meeting of the Committee. Delegated power of expenditure to the Parish Clerk is £500.00.

4.4 The Committee may:

- Apply for grants and donations in the interest of meeting its objectives
- Appoint Working Group(s) for specified purpose(s) with the approval of the Council
- Convene Special Meetings in accordance with the Council's Standing Orders

4.5 The Committee may not:

- Consider any matter falling within the remit of the committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

4.6 Where the Clerk advises that an issue should be put before the Finance Committee or Full Council, this advice should be heeded by the Committee and given due consideration.

5. RESPONSIBILITIES:

5.1 By regularly using and inspecting paths the ROW Committee shall ensure that all footpaths and bridleways within the parish are sign-posted and passable, that when necessary overgrowth, fallen trees etc, are removed and that stiles and gates are kept in good order.

5.2 If footpaths need to be cut back, fallen trees removed, surfaces or stiles/gates repaired, the matter may be referred to the landowner or Cornwall Council's Countryside Access Team.

5.3 If necessary, landowners are to be reminded of their legal duty to reinstate all footpaths and boundaries which directly affect footpaths. Any matter arising can be referred to Cornwall Council's Countryside Access Team.

5.4 The ROW Committee should whenever possible ensure that hedgerows alongside footpaths and bridleways are maintained for wildlife habitat.

5.5 Should a property owner need to remove a hedgerow for building access the ROW Committee must ensure that the householder reinstates the hedge.

5.6 The ROW Committee is to ensure that footpaths and bridleways are used for their designated purposes i.e.

- Footpaths for those on foot only
- Bridleways for those on foot, horseback or bicycle
- Byways where there is right of way for vehicles, but which are mainly used as footpaths or bridleways.

5.7 The Committee is responsible for the production of written estimates of proposed expenditure by the Committee for the next financial year, for submission to the Finance Committee for approval no later than the Council's meeting in November of the current year.

5.8 The Committee's remit extends to:

- Implementation of projects

5.9 When recommending undertaking of a new project or service provision to St Mewan Parish Council, the committee will provide an assessment of risks/benefits and estimated costs of the undertaking.

6. GENERAL:

The exercise by the duly appointed Committee of functions of the Council within the Terms of Reference and delegation arrangements shall be subject to;

6.1 The Financial Policies of the Council as formulated from time to time.

6.2 The Standing Orders of the Council.

6.3 Any other direction of the Council in relation to the exercise of delegated functions.

6.4 Legal Status: Localism Act 2011.

Local Government Act 1972

Local Government Act 1999

Public in accordance with the Parish Council's Standing Orders and the Public Bodies (Admission to Meeting) Act 1960 (S2 Sch 2).

6.4 Reports to the Finance Committee and Full Council.

A copy of these Terms of Reference will be given to all Councillors and Committee.

Adopted at Full Council on the 8th February 19

Minute No: FC158/17

Re- Adopted at Full Council on the 8th May 2019

Minute No: AC16/19

Review at Rights of Way for ratification at Annual Meeting 2020