

Northstowe Town Council

Report by: Market Development Working Group (Events & Markets Committee)

Date: 5TH JULY 2022

Report for: Events & Markets Committee

Meeting date: 5th July 2022

Report for agenda item: 35/22-23 Market Development Working Group terms of reference

- 1) To review and discuss draft terms of reference for the Committee working group on market development and membership.
- 2) To approve the proposed terms of reference with any necessary amendments.
- 3) To encourage and note any Members of the Events and Markets Committee to join the Market Development Working Group.

Background information

- 1) On 15th September (agenda item 13/21-22 Market development), the Events and Markets Committee resolved unanimously:
 - that the Committee sees itself having a key role in mapping out how the Council can lead on developing and piloting a market;
 - that the Committee convenes a working party to work towards piloting a market in early 2022; and
 - that all Councillors on the Committee are to be encouraged to join this working party.
- 2) In light of this decision, a working group was set, and members of the working group have continued discussions based on the observations made during the Committee meeting and in relation to next steps for the development and piloting a market.
- 3) In the Northstowe Town Council's **Standing Orders and Scheme of Delegation** the Council does *not* refer to Working Groups/Working Parties/Task and Finish Groups at all, anywhere, only to Committees and Sub-Committees and in one case to an 'Advisory Committee' (which are all *not* the same, as committees in all shapes and forms are official Council meetings).
- 4) The **Good Councillor's Guide (2018)** describes the workings of Working Groups as such: 'Working parties or 'task-and-finish' groups are occasionally set up for a short-term purpose. They are not subject to the strict rules that apply to formal council meetings and do not need to be held in public. A working party cannot make a decision on behalf of the council, but they can explore options and present these to the council for a decision.'
- 5) Although *not* a legal requirement (see below legal considerations) for Working Groups, unlike for Committees, it is generally recommended to have ToR written up and membership identified for Working Groups as well.

Legal considerations

- The law requires that '*any meeting of a body exercising public functions, being a body to which this Act applies, shall be **open to the public.***' Although WG meetings do not have to be advertised in advance, the public can also not be excluded from any Council meeting including WGs, although there is no legal framework saying so either way for non-official Council meetings (see next point with legal references). But in practice, as Councillors are doing Council business and in line with general transparency objectives, it is considered important that WG meetings are also open to the public. In short, one cannot stop members of the public attending, as it is still Council business.
- Technically, The Public Bodies (Admissions to Meetings Act) 1960 originally applied only to duly convened Full Council meetings. This is clear from section 2(1) of the Act which extends the provisions to 'committees of the whole council'. [Public Bodies](#)

[\(\[Admission to Meetings\\) Act 1960 \\(legislation.gov.uk\\)\]\(https://www.legislation.gov.uk\)](https://www.legislation.gov.uk) It is also clear from section 100 LGA 1972 which extended the provisions of the 1960 Act to 'committees', that is, committees appointed under section 102 LGA 1972 possessing delegated powers under section 101 LGA 1972 (previously committees had normally reported to Full Council which then decided on their recommendations). This represents the current law.

Item for consideration

Market Development working group draft terms of reference

- **Task and scope:** Set up and develop a pilot regular market in Northstowe
Note that the group does not have any delegated authority, but has the mandate to research, investigate, and consider. The group has no decision-making power and it is not exercising any public function of the Council.
- **Reporting to:** The Working group reports (and makes recommendations) to Events and Markets (“E&M” hereafter) Committee.
- **Time frame:** until pilot market has been established, finalised and revised.
- **Membership:** Membership is open to Cllrs and non-Cllrs (including Cllrs not members of the E&M Committee, Residents/community groups, and Cllrs of other local authorities, and business representatives). Membership to the group by non-Cllrs on a more permanent basis is to be approved by the E&M Committee.
- **Members:**
 - Clerk normally not attending but may be called on an *ad-hoc* basis for information or advice
 - Cllrs: Cllr Bros Sabria (Lead), Cllr Delip, Cllr Males, Cllr Oluwasanya
 - Non-Cllrs:
 - Cllrs no E&M Committee members: -
 - Officers: Katherine Southwood (SCDC - Business Development Team, providing support to Councils in setting up markets, funding from CPCA Enterprise zone).
- **Meetings:** WG can meet anytime, by any means including remotely (e.g., over Zoom or Teams), or just by email alone or over the phone.
- **Quorum:** There is no quorum for WG meetings to take place.
- **Notes:** notes of the meetings are to be circulated to all members.
- **Declarations of interest:** any pecuniary interest will be recorded at meeting notes, from both Councillors and any members of the public present.