

Selattyn and Gobowen Parish Council

Committee Terms of Reference & Delegated Powers 2023-24

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1. Introduction

Local Councils may only do what legislation requires or permits them to do. With some particular exceptions, the Council may delegate functions to committees, sub committees, officers, or other authorities. The power to delegate functions by local councils is set out in the Local Government Act 1972 S.101 as follows:

Local Government Act 1972 S. 101 Arrangements for discharge of function by local authorities

- (1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions:
 - a. by a Committee, a sub-Committee or an officer of the authority, or*
 - b. by any other local authority**
- (2) Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee of the authority, then unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.*
- (3) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, sub committee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.*
- (4) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.*
- (5) A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority.*

The aim of this document is to clarify the manner in which Selattyn and Gobowen Parish Council has delegated its powers and the authority to spend.

The council is not empowered by Financial Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- setting the final budget or the precept (council tax requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors, shall be a matter for the full council only.

In addition the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve any grant or a single commitment in excess of £5,000; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the council for all items over £5,000;
- a duly delegated committee of the council for items between £500 and £5000;
- the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below £500.

Such authority is to be evidenced by a minute.

2. Finance and Executive Committee

2.1. The Finance and Executive Committee is constituted as a Standing Committee of Selattyn and Gobowen Parish Council.

2.2. The Parish Council Standing Orders apply to all Committees.

2.3. Membership shall comprise of 8 members and must include the Chairman and Vice Chairman.

2.4. Only the above may vote and participate at a meeting. In the case of an equal vote the Committee Chairman shall have a second or casting vote.

2.5. Members of the Committee are established at the Annual meeting of the Council.

2.6. Three members of the Committee shall constitute a quorum

2.7. The Committee shall meet a minimum of 3 times per year.

2.8. The committee may delegate any of its functions to sub-committees constructed from its members or to an officer of the council.

2.9. Delegated Powers

2.9.1. To review staffing structures and levels and make recommendations to the Council.

2.9.2. To arrange the execution of new or revised employment contracts, job descriptions and person specifications for staff.

2.9.3. To oversee the recruitment and appointment of staff.

2.9.4. To review staff salaries and terms of conditions of all staff and make recommendations to Council.

2.9.5. To undertake the Clerk's annual appraisal of performance against the job description, and probationary / interim reviews (as required).¹

2.9.6. To develop and monitor the Clerk's training and development plan, in liaison with the Clerk, and provide support as required.¹

- 2.9.7. To supervise and performance manage the Clerk, administer leave requests, record and monitor absences.
- 2.9.8. To consider grievance, disciplinary matters and pay disputes in accordance with the council's grievance and disciplinary policies.
- 2.9.9. To consider any appeals made by employees against decisions of the Staff Management sub-committee in relation to grievance or disciplinary matters.
- 2.9.10. To keep under review staff working conditions and monitor health and safety at work for all Council employees.
- 2.9.11. To ensure the council complies with all legislative requirements relating to the recruitment and employment of staff.
- 2.9.12. To review Council employment policies and make recommendations to Council.
- 2.9.13. To review financial regulations annually and make recommendations to the Council.
- 2.9.14. To monitor financial progress of the council's expenditure against budget.
- 2.9.15. To consider and make recommendations on all reports arising from both internal and external auditors.
- 2.9.16. To ensure that an adequate and effective system of internal control is in place to secure the integrity of finances and conduct an annual review of the effectiveness of Internal Audit and Internal Control Procedures.
- 2.9.17. To oversee all legal matters pertaining to leases, mortgage, insurance claims, easements, tenancies, contracts, loans, insurance cover, damage to property, specification of work and debt recovery and make recommendations to Full Council.
- 2.9.18. To arrange an annual review of the council's insurance policies
- 2.9.19. To oversee the procedure for risk assessment of all the Council's activities.
- 2.9.20. To review from time to time the council's banking arrangements and make recommendations to the council when necessary.
- 2.9.21. To regularly review the following policies and make recommendations to Full Council:
 - Expenses Policy
 - Grant Awarding Policy
 - Training Policy
 - Councillor Clerk Protocol
 - Risk Management Policies and procedures
 - Business Continuity procedures
- 2.9.22. To deal on behalf of the council and as instructed by it, with any matters of policy which do not fall clearly within the responsibilities of the other committees or where there is any conflict between them.
- 2.9.23. To oversee the running of the Parish Office

2.10. Reporting and accountability

The group will be a sub-committee of the Council and as such will refer any matters to the council that are deemed significant enough to require full council consideration or approval.

3. Staff Management Sub-Committee

- 3.1. The Staff Management Sub-committee is constituted as a sub-committee of the Finance & Executive Committee.
- 3.2. The Parish Council Standing Orders apply to all Committees.
- 3.3. Membership shall comprise of 3 members and 1 reserve member and must exclude the Chairman of the Council.
- 3.4. Members of the Committee are established at the Annual meeting of the Council.
- 3.5. The sub-committee shall elect a Chairman annually, at their first meeting following the Annual Meeting of the Council.
- 3.6. Three members of the Committee shall constitute a quorum
- 3.7. The Committee shall meet a minimum of once a year.

3.8. Delegated Powers

- 3.8.1. To undertake the Clerk's annual appraisal of performance against the job description, and probationary / interim reviews (as required).
- 3.8.2. To develop and monitor the Clerk's training and development plan, in liaison with the Clerk, and provide support as required.
- 3.8.3. To supervise and performance manage the Clerk, administer leave requests, record and monitor absences.
- 3.8.4. To consider grievance, disciplinary matters and pay disputes in accordance with the council's grievance and disciplinary policies.

4. Appeals Sub-Committee

- 4.1. The Appeals sub-committee is constituted as a sub-committee of the Finance & Executive Committee.
- 4.2. The Parish Council Standing Orders apply to all Committees.
- 4.3. Membership shall comprise of 3 members and must include the Chairman of the Council.
- 4.4. Members of the Committee are established at the Annual meeting of the Council.
- 4.5. Three members of the Committee shall constitute a quorum
- 4.6. The Committee will meet when deemed necessary.

4.7. Delegated Powers

- 4.7.1. To consider any appeals made by employees against decisions of the Staff Management sub-committee in relation to grievance or disciplinary matters.

5. Amenities and Services Committee

- 5.1. The Amenities and Services Committee is constituted as a Standing Committee of Selattyn and Gobowen Parish Council.
- 5.2. The Parish Council Standing Orders apply to all Committees.
- 5.3. Membership shall comprise of nine members.
- 5.4. Only the above may vote and participate at a meeting. In the case of an equal vote the Chairman shall have a second or casting vote.
- 5.5. Members of the Committee are established at the Annual meeting of the Council.

- 5.6. Co-opted committee members may join during the year if authorised by the Parish Council but they do not have voting rights.
- 5.7. Three members of the Committee shall constitute a quorum
- 5.8. The Committee shall meet a minimum of 3 times per year.
- 5.9. The committee may delegate any of its functions to sub-committees constructed from its members or to an officer of the council.
- 5.10. The Amenities and Services Committee will oversee the operations and management of council facilities, recreational space and council events.
- 5.11. Delegated Powers – The role of the Committee is as follows:**
- 5.11.1. To consider and to deal with, on behalf of the Council, all maintenance matters related to the amenities and services of the parish. Urgent business which needs to be attended to before the next meeting of the Committee may be dealt with by the Clerk in consultation with any two Members, one of whom must be the Chairman or Vice Chairman of the Committee (or in the absence of both of them the Chairman or Vice Chairman of the Council. Amenities and Services include: Gobowen Pavilion, Gobowen Playing Field, Play Equipment and Sports Court, Gobowen Allotments, Hengoed Cemetery, Streetlighting, Street Furniture (Bus Shelters, Benches, Gates, Fences), Defibrillators, Phone Boxes.
- 5.11.2. Authorise expenditure for maintenance work within budget allocation.
- 5.11.3. To examine and recommend to the council any changes to the amenities of the Parish. Any urgent and non-controversial changes to the amenities of the Parish, which need to be dealt with before the next meeting of the Committee, may be dealt with, on behalf of the Council, by the Clerk, in consultation with any two Members, one of whom must be the Chairman or Vice Chairman of the Committee (or in the absence of both of them the Chairman or Vice Chairman of the Council.
- 5.11.4. To oversee management and administration of council events.
- 5.11.5. To oversee the management and administration of Armistice Day activities.
- 5.11.6. To consider issues and approve maintenance work relating to War Memorials.
- 5.11.7. Agree emergency action with the Parish Clerk and the Committee Chairman and Vice Chairman agreeing to any necessary emergency expenditure up to £1,000 per instance.
- 5.11.8. To review and monitor all maintenance contracts relating to Streetlights, Gobowen Playing Fields, Hengoed Cemetery, Pavilion Caretaking and Cleaning, and General Parish Maintenance.
- 5.11.9. To review and monitor all utility and service contracts relating to the Pavilion and Hengoed Cemetery and to make recommendations to the Parish Council.
- 5.11.10. To make recommendations to the Parish Council in relation to the budget of the Cemetery, Pavilion, Playing field, and Allotments.
- 5.11.11. To annually submit to the Council recommendations for fees for use / charges of council facilities and services.
- 5.11.12. To approve hiring and booking procedures and policies relating to Gobowen Pavilion and Playing Field

- 5.11.13. To consider and approve applications for events on the Playing Field with the Parish Clerk liaising with the Committee Chair and Vice-Chair to ensure compliance with Health and Safety Regulations and Insurance Provision.
- 5.11.14. On an annual basis, to review a usage policy for the field with regard to football games and to authorise football teams to use the playing field for training and matches
- 5.11.15. To review interment policies, memorial policies, rules and regulations relating to Hengoed Cemetery
- 5.11.16. To review the Allotment Management Policy and Allotment Tenancy Agreement.

5.12. The Committee will consider and make recommendations to the full council on:

- 5.12.1. Any expenditure outside of budget allocation
- 5.12.2. Any matters resulting in changes to employment terms
- 5.12.3. Any actions in conflict with the council's strategic/action plan

5.13. Reporting and accountability

The group will be a sub-committee of the Council and as such will refer any matters to the council that are deemed significant enough to require full council consideration or approval.

6. Planning Committee

- 6.1. The Parish Council Standing Orders apply to all Committees.
- 6.2. The Committee will meet when deemed necessary.
- 6.3. The Committee will have 9 members.
- 6.4. The Quorum shall be 3.
- 6.5. Members of the Committee are established at the Annual meeting of the Council.
- 6.6. The Clerk will minute all meetings of the Planning Committee and the minutes will be submitted to the Parish Council at the next meeting for adoption

6.7. Delegated Powers

- 6.7.1. In cases where a response is required before the next ordinary meeting of the Council and the Chairman agrees that an extraordinary meeting of the Council is not necessary, the Committee shall deal with the matter and receive, consider and respond to planning applications.
- 6.7.2. The Committee will meet as required (reference the above) but will conduct business by email
- 6.7.3. To study relevant plans, visit relevant sites and consider any comments from members of the public and statutory consultees.
- 6.7.4. To recommend to the Parish Council how it should respond to each planning application.
- 6.7.5. To ensure that any objections or recommendations are based solely on planning criteria, local planning policy and national planning policy framework.
- 6.7.6. To monitor the general environment of the parish and report to the planning authorities any potential planning breaches.
- 6.7.7. To respond to all consultations regarding planning issues or issues that will have an impact on planning
- 6.7.8. To consider whether a Neighbourhood Plan should be developed and to make recommendation to the Parish Council

- 6.7.9.** When an application is subject to appeal the Committee is authorised to make written representation or to elect a member to attend the hearing
- 6.7.10.** To attend planning training sessions and to read all relevant documentation to ensure that the Committee is aware of current legislation and regulations

7. Responsibilities delegated to the Clerk and RFO

- 7.1.** The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly.
- 7.2.** The RFO;
- 7.2.1.** acts under the policy direction of the council;
 - 7.2.2.** administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
 - 7.2.3.** determines on behalf of the council its accounting records and accounting control systems;
 - 7.2.4.** ensures the accounting control systems are observed;
 - 7.2.5.** maintains the accounting records of the council up to date in accordance with proper practices;
 - 7.2.6.** assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
 - 7.2.7.** produces financial management information as required by the council.
- 7.3.** The functions and duties of the RFO are set out in the parish council's adopted Financial Regulations and in the job description for the post.
- 7.4.** In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.
- 7.5.** The Clerk to the Council shall be the Proper Officer and carry out the functions of the Proper Officer as provided by the Local Government Act 1972 and as set out in the job description for the post. The Parish Clerk is responsible for implementing the decisions and policies of the council as well as overseeing the management of staff and assets.
- 7.6.** As laid out in Standing Orders adopted by the Council, the Proper Officer shall:
- 7.6.1.** at least three clear days before a meeting of the council, a committee or a sub-committee,
 - serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and
 - Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
 - 7.6.2.** subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming their withdrawal of it;

- 7.6.3. convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in their office;
- 7.6.4. facilitate inspection of the minute book by local government electors;
- 7.6.5. receive and retain copies of byelaws made by other local authorities;
- 7.6.6. hold acceptance of office forms from councillors;
- 7.6.7. hold a copy of every councillor's register of interests;
- 7.6.8. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- 7.6.9. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- 7.6.10. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- 7.6.11. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- 7.6.12. arrange for legal deeds to be executed;
(see also standing order 23);
- 7.6.13. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- 7.6.14. refer a planning application received by the Council to the Planning Committee Chairman or, in their absence the Committee Vice-Chairman within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
- 7.6.15. manage access to information about the Council via the publication scheme; and
- 7.6.16. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(see also standing order 23).

7.7. In addition, the Clerk is authorised to undertake the day to day administration of the Council, to include:

- 7.7.1. Issuing press releases and statements and posting on the parish council social media accounts, subject to the provisions of the Council's Press and Media Policy and Social Media Management Policy
- 7.7.2. Updating and managing the content on the Council's website
- 7.7.3. Co-ordinating the production of the quarterly Parish Council newsletter
- 7.7.4. Purchasing basic office equipment and supplies
- 7.7.5. Arranging emergency repairs to parish council office equipment or other council property or assets (subject to standing orders and financial regulations)
- 7.7.6. Taking appropriate action arising from other emergencies (in consultation with the Chairman/Vice Chairman of the Council or committee Chairman as appropriate).

7.7.7. To oversee the day to day running of the Council's Allotments, Cemetery, Pavilion and Playing Fields in accordance with parish council adopted policies and procedures

7.7.8. Implement matters arising from the Health and Safety Action Plan and delegated responsibilities within the Health and Safety Policy

7.7.9. Accepting and co-ordinating bookings and hirings of premises and facilities operated by the council and liaising with contractors as required to facilitate this.

7.7.10. Liaising with contractors for repairs and maintenance of parish council assets.

7.7.11. Reporting Environmental Matters as they arise to the Local Authority (items to then be noted on the Clerk's report at the next ordinary meeting of the council)

These powers will be reviewed on an annual basis at the May meeting of the Parish Council