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Hadleigh Town Council

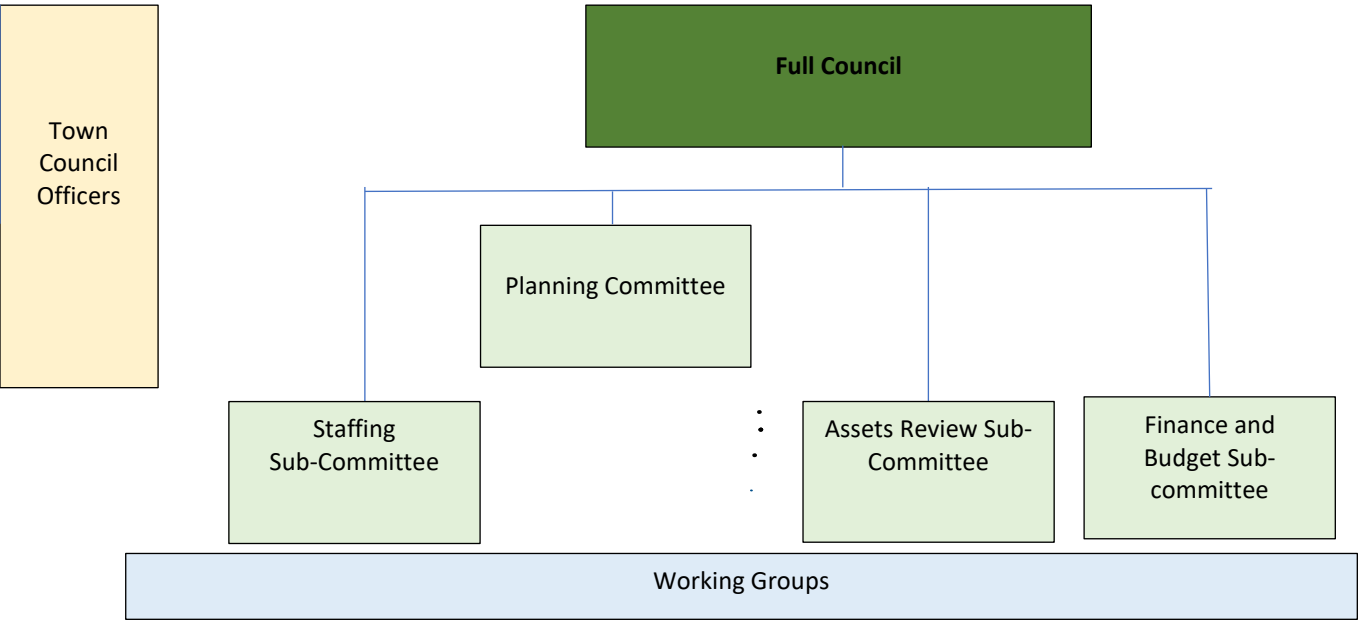
Committee Terms of Reference and Delegations

Introduction

The principal councils of Babergh District and Suffolk County have many legal duties to deliver services such as education, housing, town planning, transport, environmental health and social services. The Town Council has the legal power *to take action*, but has very few *duties,* and greater freedom to choose what action to take. It can play a vital part in representing the interests of Hadleigh and improving the quality of life and the local environment.

The Town Council is a corporate body, and a legal entity, separate from that of its Members, and is accountable to the local community. Its decisions are the responsibility of the whole body and are made collectively and by majority. The Town Council has been granted powers by Parliament including the authority to raise money through taxation – "the precept"– and a range of powers to spend public money.

Hadleigh Town Council conducts its business through a range of different decision-making arrangements, namely Council and Committees and delegations to Officers. Consideration of some issues is dealt with by Sub-committees and Working Groups.



Hadleigh Town Council has a monthly meeting of the Full Council, and periodic meetings of its other Committees, Sub-Committees and Working Groups.

Full Council

This is the principal meeting place where Councillors lead on civic matters and corporate decision-making. This meeting considers the principal strategic matters that govern the Town Council's actions and how it conducts business.

Committees

Committees are generally used for regular business matters of the Council. A committee will have a remit and be able to make any decisions that the Town Council has delegated to it. A committee will generally cover a theme or subject area and will consider a range of issues or items relating to that area.

a. The Council may establish or dissolve a committee at any Full Council meeting;
b. Each committee will consist of at least ~~five~~ three Councillors;
c. Each committee will meet on at least five occasions each year;
d. Committees can agree the dates of their meetings;

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e. Councillors who are not members of a committee ~~may at the invitation of the Chair, participate in debate but will not be permitted to vote on business at that meeting;~~ may not take part in any discussion, debate or vote, they may speak in the public forum section of the meeting (where there is one)
f. Committees can make decisions as established in their own terms of reference;
g. The chairs of committees will manage meetings in a way that maximises engagement of the public as well as Councillors, without compromising the decision-making process;
h. In the event of an urgent decision needing to be made that is the remit of a committee, but where there is no meeting scheduled within the timescale for the decision to be made, either an additional meeting of the committee can be called, or the item for decision can be put on the agenda of the Full Council meeting.

Sub-committees

Sub-committees are generally used for consideration of one topic or area which is the regular business matter of its parent Committee or Full Council. A Sub-committee will have a remit and will either be in an advisory capacity or will be able to make any decisions that its parent committee has delegated to it.

a) The parent Committee or Full Council may establish or dissolve a Committee at any meeting;
b) The number of Councillors and non-Councillors will be determined by the parent Committee;
c) The number of meetings in a year is to be determined by the parent Committee;
d) Some sub-committees can agree the dates of their meeting, otherwise the parent Committee will set the dates;
e) Councillors who are not members of a committee ~~may at the invitation of the Chair, participate in debate but will not be permitted to vote on business at that meeting;~~ may not take part in any discussion, debate or vote, they may speak in the public forum section of the meeting (where there is one)
f) Sub- Committees can make decisions as established in their own terms of reference;
g) Non-Councillors have voting rights unless this is specifically excluded in the terms of reference;
h) The chairs of sub-committees will manage meetings in a way that maximises engagement of the public as well as Councillors, without compromising the decision-making process;

Working Groups

Working Groups are less formal and aimed at enabling the Town Council to engage with residents and generally be focused on a single issue, piece of work, project or initiative.

Councillors

The main role of a Town Councillor is to represent the views of residents within Hadleigh and to listen to, and understand, the views and needs of different groups in the community (such as young and older people). As a Councillor, there is a responsibility to be well-informed, especially about diverse local views. Councillors cannot assume that they represent the interests of electors without consulting them.

Town Councillors are elected representatives, not volunteers or employees, and serve for a 4-year term (unless co-opted or elected mid-term in a by-election when they serve until the next election). They must apply the law and comply with the Code of Member Conduct. Councillors contribute to the work of the Council by suggesting ideas, influencing policy, engaging in constructive debate and by responding to the needs and views of the community. Councillors comment on proposals to ensure the best outcome and vote to enable the Council to make decisions.

Councillors from different backgrounds better represent the whole community and possess different enthusiasms, skills, attitudes and interests. Some Councillors work with ideas while others are very practical; some like accounts while others prefer reports. The Town Council needs a wide range of skills to work as a team.

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A Councillor agrees to attend all meetings (reasonably possible) that ~~he or she is~~ they are summoned to. Individual Town Councillors cannot make decisions on behalf of the Council, but they can actively lead and engage with local projects. Town Councillors have no powers outside of the Council meeting.

Councillors together as a team are responsible for the financial decisions made and implemented. The key responsibilities are:

- Responsibility for running local services such as public open spaces, play areas, cemetery etc.
- Deciding how much to raise through the precept in order to deliver the Council's services and managing the public finances.
- Influencing and shaping the long-term development policy for the Parish, and as part of the planning process, commenting on planning applications in the Parish.
- Working to identify issues which are important to the lives of the residents you represent and improving the quality of life and the environment in the local area.
- Working to bring about improvements through local projects, lobbying other service providers and working in partnership with other Parishes, local authorities and agencies.

Town Council Officers

The Town Clerk is the Proper Officer and Responsible Financial Officer on behalf of the Town Council, working for and with the elected Councillors. The Town Clerk and other Officers under their direction enact the decisions made by the Town Council. The Town Clerk is responsible for day-to-day office management including staff matters.

As established in the Standing Orders, "the Town Clerk (and the staff that they, in turn, sub-delegates powers to), be authorised to conduct the business affairs of the Town Council subject to the actions taken being lawful, achieving value for money and complying with the policies, procedures and budget approved by the elected Members of the Town Council." This is a general power to enable the functions of the Town Council to run effectively without requiring Councillors to approve the minutiae of every strategic decision.

The Standing Orders and Financial Regulations establish a number of other day-to-day powers and responsibilities for the Officers (and Members).

Full Council or Committees acting with delegation, may at any time through a resolution:

a) authorise the Town Clerk (or other specified officer) to implement a specific course of action or determine a specific matter;
b) delegate to the Town Clerk (or other specified officer) exercise of certain powers, functions or decision-making on behalf of the Town Council.

Such delegations and authorisations may be temporary or permanent, as specified in the resolution.

The Town Clerk is also authorised to take urgent action in line with Standing Orders and Financial Regulations.

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Terms of Reference and Delegations

FULL COUNCIL

The Full Council is made up of all 15 Councillors and meets monthly. Full Council is responsible for and has authority to undertake the following:

Role

1) Appointment of the Mayor and Deputy Mayor;
2) Appointments to Committees and Outside Bodies;
3) Determining the number of Committees, and the names and number of Councillors appointed to each Committee;
4) Approval of the Terms of Reference and Scheme of Delegations;
5) Filling of Councillor vacancies occurring on any Committee or Council;
6) Adopting, amending, or revoking Standing Orders, Financial Regulations, or Duties and Powers, and Town Council Manager provisions;
7) Determining the remit of the Mayor, Committees and Sub-committees
8) Establishing, determining the purpose and task, or dissolving a Working Group, and to receive regular reports (including recommendations) from the Working Group.
9) Agreeing the dates of meetings of the Council and its Committees.
10) Agreeing the Strategic Plan, the annual work programme, staff organisation, and the budget;
11) Dealing with all matters of Town Council business unless specifically delegated to the Council's Committees;
12) Making, amending, or revoking byelaws;
13) Making of Orders under any statutory power;
14) Taking appropriate action in respect of reports and recommendations by the Town Council Manager;
15) Prosecution or defence in a court of law;
16) Consideration of complaints;
17) Reviewing and determining the adequacy of the Council's Internal Control, Risk Management and Asset Management Arrangements;
18) Fulfilling responsibilities for the overall financial management of the Town Council including the receipt of budgetary control reports and implement any corrective actions required;
19) Determination of the Town Council's Budget and Precept and approval of the Town Council's Reserves and Capital Programme;
20) Authorising capital and revenue expenditure;
21) Borrowing money;
22) Acquiring land and other significant assets and commissioning services of significant value;
23) Incurring capital or revenue expenditure which is over and above the Council's approved budget;
24) Appointment of the Internal Auditor, to receive reports from the Auditors and determine actions to be taken in response to the Auditor's recommendations;
25) Approving the end of year Accounts and approving submission of the Annual Governance and Accountability Return to the External Auditors;
26) Authorisation of the writing off of Bad Debts; and
27) Upon recommendations of the Staffing Sub-Committee, appointment of the Town Clerk (including Proper Officer and RFO).

Other provisions

- Full Council may consider any matter and/or undertake any function that would ordinarily be the remit of another Committee or Sub-committee.

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PLANNING COMMITTEE

The Planning Committee is made up of 6 Councillors and will meet on at least six occasions each year but seek to meet ~~approximately fortnightly~~ twice per month to reflect the number and frequency of planning applications in Hadleigh.

It must be recognised that this Committee has only a Consultee role in the planning process – conveying its views to the decision-makers at Babergh District Council or Suffolk County Council as appropriate. Hadleigh Town Council itself does not determine planning applications.

The Committee is responsible for the following:

Roles:

a) Campaigning for the best development and, where possible, identify and work with prospective developers in advance of any planning application.
b) To consider applications for planning permission;
c) To consider consultation documents relating to planning matters;
d) To consider environmental and planning matters including planning appeals, cycle paths, public footpaths, disabled parking applications, rights of way, road closures, street naming and numbering, and long-term plans for Hadleigh.
e) To take into account the adopted Neighbourhood Plan when considering all matters.

Delegations

The committee has delegated authority to make decisions on behalf of the Town Council on the following matters:

a) undertaking all duties of the Council under Town and Country Planning Acts, Orders and Regulations and all matters relating to roads and highways including Road Closure Notices, road signs, traffic management, traffic regulations and bus shelters;
b) Managing the ongoing development of the Hadleigh Vision and any development of the adopted Neighbourhood Plan;
c) submit comments to the Planning Authority on applications for planning permission;
d) respond to consultation documents on planning matters;
e) make recommendations to 3rd parties on planning matters;
f) Authorisation of capital and revenue expenditure to effect or enable its decisions (such as commissioning services or research, purchasing equipment etc) up to a value of £10,000;
g) Establishing, determining the remit and membership of, or dissolve a Sub-committee, and considering the recommendations of a Sub-committee to make decisions accordingly;
h) Establishing, determining the purpose and task, or dissolving a Working Group, and to receive regular reports (including recommendations) from the Working Group.
i) Arranging additional meetings, or to cancel or reschedule scheduled meetings.

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STAFFING SUB-COMMITTEE

The Staffing Sub-Committee reports to Full Council for Town Council staff and to Hadleigh Market Feoffment Charity ~~Committee~~ for HMFC staff. Due to the confidential nature of business to be discussed, the Staffing Sub-Committee meetings will not be notified in advance to the public and will meet in private session where the press and public are excluded.
All Councillors will be notified of the Staffing Sub-Committee meetings, the heading of each item to be discussed but not the actual business to be discussed.

There will be no scheduled meetings of the Staffing Sub-Committee, instead meetings will be convened when needed.

The Staffing Sub-Committee is made up of 5 Councillors. It is responsible for the following:

Roles

1) All matters affecting the appointment, promotion, discipline, salary, and conditions of service of Town Council and HMFC staff, except for the Town Clerk post which should be considered at Full Council in confidence.
2) Overseeing all aspects relating to the day-to-day management of human resources of the Council and HMFC beyond the authority of the Town Clerk.
3) To promote the health, safety and welfare of staff in accordance with the aspirations of the Town Council to be a good employer and in accordance with Council policies;
4) To oversee arrangements for the appointment to the positions of the Council;
5) To periodically review and determine the terms and conditions of all staff,
6) To support the delivery of training for elected members and staff;
7) To conduct staff disciplinary and grievance matters as necessary, including appeals;
8) To undertake any other urgent HR related action.

Delegations

The Sub-Committee has delegated authority to make decisions on behalf of the Town Council and HMFC on the following matters:

a) To arrange its own meetings and for all Councillors to be notified of the dates in advance
b) To agree the appointment to the agreed staffing establishment (with the exception of the Town Clerk that will remain the duty of Full Council),
c) To make recommendations on the processes leading to dismissal of staff (including redundancy);
d) Recommend staff budgets and salaries, within the boundaries of the NJC pay scales and
e) The Chair of the Staffing Sub-Committee shall be the preferred day-to-day contact for the Town Clerk for support, supervision, appraisal including handling leave requests, absences, informal grievances and informal disciplinary matters.
f) To make decisions on human resources matters including work from home arrangements, job descriptions, leave requests, leave carry over requests and absence issues providing there are no financial implications and these will be notified to Full Council or HMFC ~~Committee~~;
g) To conduct the Town Clerk's performance review.
h) ~~To provide a report giving an overview of items discussed during meetings (without Confidential information) to Full Council and HMFC Committee at every meeting~~
i) To update Councillors on any issues which they have raised (but not discussing Confidential information)

Member Expertise

Due to the nature of the sub-committee's work, Councillors with some or all of the following experience and expertise would be a good fit for this sub-committee:

i. Have had experience of staff management and/or recruitment.

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ii. Have current or previous relevant qualifications in the field
iii. Have a good understanding of the following:
    a. Equality Act 2010
    b. What are 'protected characteristics' under the Equality Act
    c. Recruitment good practice
    d. The requirements that being a signatory to the military covenant brings
    e. General Data Protection Regulations (GDPR) knowledge

iv. Include at least one member of ~~the~~ HMFC ~~Committee~~ due to the staffing sub-committee having responsibility for HMFC staffing matters.
v. The Town Clerk will be an ex-officio member to ensure councillors receive relevant information and advice about staffing matters from the Proper Officer of the council who is responsible for staff management (e.g. 1:1's, appraisals etc.) and who will also be able to provide support around legislation etc.
The Town Clerk will not participate in any decisions or discussions relating to their own role – these decisions are taken by Full Council.
vi. Must be able to build positive relationships with staff whilst also being able to stay professional given that councillors will on occasion need to take some hard decisions that may not be popular with staff.

There is a desire to have a mix of male and female members.

Training
Once members are voted on to the sub-committee, before their first sub-committee meeting, they should have at a minimum read the following:

- NALC – The Good Councillors Guide to being a good employer
- NALC – Legal Topic Note 38 Data Protection
- NALC – A GDPR Toolkit
- ACAS Code of Good Practice
- https://www.gov.uk/guidance/equality-act-2010-guidance
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85041/equality-duty.pdf
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85049/specific-duties.pdf
- https://www.acas.org.uk/hiring-someone
- https://www.gov.uk/training-study-work-your-rights

Attend SALC or other organisation HR/Recruitment Training including Unconscious Bias training.
Training records will be kept in the Town Council office so that the Town Council have a record of the informal and formal training sub-committee members have completed.

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ASSETS REVIEW SUB-COMMITTEE

The Assets Review Sub-committee reports to Full Council.

They will review the legal titles, conveyances, leases and identify any restrictive covenants on all of the Council owned land and buildings and produce a summary for each asset that includes a valuation and details of Rent Reviews as appropriate.

This Sub-committee will be made up of ~~2~~ 3 Councillors and up to 2 members of the public with expertise/experience in this area and will be appointed by Full Council.

Due to the confidential nature of its work, meetings of the Sub-committee will not be open to the public. The Sub-committee is responsible for the following:

Roles:

a) To review the legal titles, conveyances, leases on all Town Council owned land and buildings.
b) To identify any restrictive covenants on all Town Council owned land and buildings.
c) To produce a summary of every asset including a valuation and details of rent reviews.
d) To assist in the registering of assets with Land Registry (if an asset is not registered)
e) If instructed by Hadleigh Market Feoffment Charity to also undertake the same review for HMFC assets.

Delegations:

a) To arrange its own meetings
b) To appoint its own Chair

Any recommendations including budgetary spend must be approved by Full Council.

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FINANCE & BUDGET SUB-COMMITTEE

The Finance & Budget Sub-committee will report to Full Council.

They will review the quarterly accounts against the budget and review the budget for the next financial year during the budget setting process.

This Sub-committee will be made up of up to 4 Councillors and will be appointed by Full Council.

The Sub-committee is responsible for the following:

Roles:

a) To review the quarterly accounts and monitor the financial well-being of the Town Council.
b) To review the budget for the next financial year during the budget setting process.

Delegations:

a) To arrange its own meetings which should be at least quarterly to coincide with the quarterly accounts being published.
b) To appoint its own Chair

Any recommendations must be approved by Full Council

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WORKING GROUPS

Each Working Group is established for a different purpose and will be for a short-term project or task as agreed by the parent Committee. The parent Committee will agree the purpose and task of the Working Group.

Provisions

a) Working Groups are not a form of sub-committee.
b) Working Group meetings do not have to be held in a public session.
c) As they are informal, Working Groups and are not required to publish agendas or take formal minutes, but may wish to do so.
d) A Working Group may include members of the public but does not have to.
e) The Working Group membership may change over time.
f) Substitutes may serve on any Working Group at the discretion of the Chair, if notified in advance.
g) A Working Group cannot make decisions itself but may look into an issue and undertake the necessary research, consultation/engagement, and consideration of information and options in an open discussion and will then make recommendations to the parent Committee.
h) A Working Group will produce a record of the discussions and report back to the parent Committee with its considerations and recommendations in order to help inform the parent Committee to formalise any decision making.
i) Working Groups may be offered a budget to work within, but any spend must be approved by the parent Committee as part of its recommendations, unless other delegations are established.

Delegations:

a) None, unless specified by the parent Committee.

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OFFICER DELEGATIONS

As established in the Standing Orders, "*the Town Clerk (and the staff that they, in turn, sub-delegates powers to), be authorised to conduct the business affairs of the Town Council subject to the actions taken being lawful, achieving value for money and complying with the policies, procedures and budget approved by the elected Members of the Town Council.*" This is a general power to enable the functions of the Town Council to run effectively without requiring Councillors to approve the minutiae of every decision.

Under the direction of the Town Clerk, Officers may:

a) monitor and balance the Council's accounts, manage the Council Payroll system, assist in the preparation of estimates, produce reports on time and prepare records for audit purposes and VAT.
b) receive and report on invoices for goods and services to be paid for by the Council and to ensure such accounts are met as appropriate. To issue invoices on behalf of the Council for goods and services, ensure that procurement procedures are fully complied with.
c) ensure that the Council's obligations for example Risk Assessment, GDPR, Freedom of Information, and Health and Safety at Work are properly met and that all policies and procedures comply with best practice and are regularly reviewed and updated as necessary.
d) manage Council resources and facilities e.g. Hadleigh Cemetery, Layham Road Sports Ground, Allotments, play areas and other Council buildings including the management and promotion of the ~~Town~~ Guildhall complex.
e) Manage contracts for services e.g., grounds maintenance, are properly monitored and provide value for money and are regularly market tested.
f) To prepare, in consultation with appropriate members, agendas for meetings of the Council and Committees including ~~the~~ Hadleigh Market Feoffment Charity. To attend such meetings and prepare minutes for approval.
g) prepare business cases including, risk assessments, financial appraisals and ensure that agreed projects and events are properly and safely managed on time and within budget.
h) receive correspondence and documents on behalf of the Council and to report to the Council or deal with responses appropriately and ensure that the Council is helpful in its response to enquiries at all times.
i) Ensure members of staff are protected and supported within the policies of the Council and to undertake all necessary activities in connection with the management of salaries, conditions of employment and work of other staff.
j) produce policies as are necessary, ensure that they are up to date, correctly implemented and that they are achieving the desired result and where appropriate suggest modifications.
k) To act as the representative of the Council at meetings with external organisations.
l) prepare and ensure that Agendas for Council meetings are published on Notice Boards and website in accordance with the statutory timetables and that draft minutes of all Council meetings are produced in a timely manner.