

Bridgwater Town Council

COMMITTEES & DELEGATION - REVIEW REPORT

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Summary

The council has two committees, sub-committees, various working parties and forums. The existing committee structure doesn't have clear terms of reference with sub-committees not having a parent committee. It is recommended to abolish all existing committees and working parties and start afresh.

1 Introduction

1.1 The purpose of this report is to assist the council in establishing committees and clear delegation to undertake functions on behalf of the council. It is recommended good practice that councils have committees; the number of which will depend upon the size of the council. The number of committees should be kept to a minimum whilst ensuring the functions of the council can be carried out. Each individual local council must decide their own committee structure to meet their individual needs.

1.2 District and county councillors will be familiar with executive-based political management, such as, Leader and Cabinet executive model, and political proportion representation on committees, which came about from the Local Government Act 2000. The executive arrangements of this Act do not apply to town and town councils (Wilson & Game, 2011) and parish and town councils operate by way of full council, committee, sub-committee or officers taking decisions.

2 Council Committees

2.1 Currently Bridgwater Town Council has the following committees and sub-committees –

- Planning Panel
- Finance Committee
- Staffing sub-committee
- Museum sub-committee

2.2 When considering whether to set up committees to oversee aspects of council business, careful consideration needs to be given to their advantages and disadvantages, which may include:

2.2.1 Advantages

- Committees can allow matters that require specialist knowledge to be dealt with by councillors who possess the skills appropriate to those areas or have a particular interest in them;
- Committees can allow full council to avoid being 'bogged' down with both large and small projects; and
- Non-councillors with particular experience and expertise can be appointed to committees, broadening the discussion of the relevant issues (with the exception of any finance committee, which must wholly consist of councillors¹ (NALC, 2013)).

2.2.2 Disadvantages

- They can increase bureaucracy and slow down the decision-making process, particularly if their decisions have to be referred back to the full council (which will be the case with advisory committees/working parties as these have no delegated decision-making powers);
- They can result in a duplication of debate;

¹ LGA1972 s102(3)

- They can create difficulties for staff who have to service them, particularly in terms of the clerk's time and resources;
- They can cause meeting fatigue for both councillors and staff; and
- Where a committee has delegated powers, a decision of a small number of councillors can bind the council.

2.3 Councils can delegate to either an officer of the council, committees or another Authority². A council cannot delegate to an individual councillor or chair³. There are some functions that cannot, legally, be delegated - the setting of the Precept, the appointment of the council Chair, any decision that the council wishes to take regarding borrowing and approval of the Annual Governance and Accountability Return.

3 Clerk Delegation

3.1 The Town Clerk currently holds delegated powers, as provided through Standing Orders, Financial Regulations, Contract of Employment, Legislation, resolutions of council, committees and various Policies and Procedures adopted by council. These do not restrict councillors roles but allow the town council to function in a professional manner in delivering services to the community and to function on a day to day basis.

4 Working Parties

4.1 Currently Bridgwater Town Council have the following Working Parties:

- Town Hall working party
- EDF Energy Working Party

4.2 The council has the power to create Working Parties⁴ It should be noted that these are, in fact, advisory committees and as such a committee within the meaning of the Local Government Act 1972 therefore are, accordingly, subject to the same legal provisions (NALC, 2018). Working Parties are task and finish groups – not to run continuously.

5 Recommendations

5.1 To abolish all existing committees and working parties.

5.2 After assessing the Council over the last six months, Bridgwater Town Council should have the committees as recommended in 5.3, 5.4 and 5.5 with the attached Terms of Reference as set out section 6 of this report.

5.3 To create a **Finance Committee** – to ensure that the council conforms to current legislation, with a Staffing sub-committee⁵ to provide the Town Clerk with line management.

5.4 To create a **Planning Committee** – *to decide the council's responses to planning applications, highway and rights of way issues.*

5.5 To create a **Premises Committee** to manage the council's property portfolio, cemetery, allotments and museum.

² LGA1972 S101

³ R v Secretary of State for the Environment ex parte London Borough of Hillingdon and Local Government Review 4 January 1986

⁴ LGA1972 s.102(4)

⁵ N.B. reason for sub-committee - this would allow for meetings to be called without the hindrance of legislation, which will prove troublesome with employment matters sub-committee meetings maybe convened without public notice, and do not have to be held in public.

6 Terms of Reference

Policy and Finance Executive Committee (8 members – Portfolio Holders)

6.1 For all committee meetings a quorum of 3 is required. Membership to comprise – 8 members of the town council, all being Portfolio Holders that are approved by the town council to serve on this committee. The Leader of the Council to hold the Chair of this committee. Deputy Portfolio Holders to deputise when a member has sent their apologies to the Town Clerk.

Frequency of Meetings and Minutes

6.2 The committee shall meet as often as it deems appropriate (being not less than three times in each town council year) to keep abreast of developments relating to its functions and authority.

6.3 The committee meeting will be open to the Press and Public in line with legislation. However, the committee may resolve to exclude the Press and Public from the part or all of the meeting when discussing Personnel matters and some financial matters and may create Sub-Committees, which are not required to be open to the Press and Public.

6.4 Minutes of the committee's meetings shall be taken, and drafts distributed with the agenda for the next meeting, by the Town Clerk. Minutes, agendas and other papers shall, where practicable, be distributed to the committee members electronically, except where individual members request paper copies. All minutes when approved AND not deemed to be confidential to be uploaded onto the town council's website.

Finance and Policy

6.5 To provide guidance and assistance to the Town Clerk and the council on matters relating to budgeting and finance.

6.6 To consider the council's budget and other income and to prepare budget proposals for the council to consider.

6.7 To review spending in areas referred to it by the council, and report back to council.

6.8 To consider and authorise virements between budget headings.

6.9 To consider if requested by council or the Town Clerk unplanned expenditure.

6.10 To work with the Town Clerk on other matters such as generating additional income, value for money and cost-cutting savings.

6.11 To appoint an internal auditor and to ensure effective internal audit.

6.12 To receive, and where appropriate, draft responses to any internal and external Audit Reports and to report to the council for approval.

6.13 The council has delegated day-to-day management of the budget to the Responsible Financial Officer (Town Clerk) within spending limits agreed in the budget.

6.14 To approve grant applications.

Employment

6.15 To review staff salaries and pay increments.

6.16 To review and adopt procedures for dealing with discipline and grievances and ensure that the staff are informed of them.

6.17 Review and consider the staffing structure, in the light of budgetary constraints, at least annually and whenever a vacancy occurs.

6.18 To work closely with the Town Clerk to prepare job descriptions and person specifications for any staff vacancy.

6.19 To approve the advertisement of posts and prepare long and shortlists on the advice of the Town Clerk.

6.20 To adopt and review the Staff-Member Protocol, the Staff Handbook and the policies contained therein.

6.21 To line manage the Town Clerk.

6.22 To undertake the Town Clerk's annual appraisal.

6.23 To create and appoint 2 sub-committees, as necessary, a 'Hearing Panel', 'Appeals Panel'.

6.24 To create a 'Staffing Sub-Committee' and to delegate 6.15 to 6.22 of these terms of reference to this Sub-Committee. The Chair of this Sub-Committee will be the Economic Development Portfolio Holder.

Additional Delegation of Powers

6.25 The council has delegated the interview and appointment of staff posts to the Staffing Sub-Committee.

6.26 The council has delegated adoption and changes of policies and procedures to this committee except for Standing Orders and Financial Regulations.

6.27 The Committee can approve/note the list of payments.

Premises Committee (8 Members – Premises Portfolio Holder and 7 Councillors plus 2 deputies)

6.28 For all Committee Meetings, a quorum of 3 is required. The Premises Committee Chair will be the Premises Portfolio Holder. Full Council to appoint 2 councillors as deputies for the Town Clerk to invite to attend when apologies have been received from committee members

Frequency of Meetings and Minutes

6.29 The committee shall meet as often as it deems appropriate (being not less than three times in each Town Council year) to keep abreast of developments relating to its functions and authority.

6.30 The committee meeting will be open to the Press and Public in line with legislation. However, the committee may resolve to exclude the Press and Public from the part or all of the meeting when discussing matters deemed confidential and may create Sub-Committees, which are not required to be open to the Press and Public.

6.31 Minutes of the committee's meetings shall be taken, and drafts distributed with the agenda for the next meeting, by the Town Clerk. Minutes, agendas and other papers shall, where practicable, be distributed to the committee members electronically, except where individual members request paper copies. All Minutes when approved AND not deemed to be confidential to be uploaded onto the town council's website.

Properties

6.32 To have the delegated authority to deal with all aspects of the council property Portfolio, including disposal of land by way of leases, managing the lease for the Allotments, Bristol Road land and Service Level Agreement for the cemetery. Management of the Museum and Town Hall. This includes the setting of fees/rents and the approval of ground maintenance contracts and any one-off works to a value of no more than £10,000.

6.33 The committee will make recommendations to the Finance Committee regarding policy and strategic matters relating to all the above.

6.34 The committee is authorised to establish sub-committees and working groups, and to appoint advisers as and when necessary to assist in its work. This committee will appoint a Museum Sub-Committee.

6.35 The committee will receive and consider all reports and recommendations from every sub-committee and working group it appoints.

Planning Committee (Economy Development Portfolio Holder, 7 Councillors plus 2 deputies)

6.36 For all committee meetings, a quorum of 3 is required. The Planning Committee Chair will be elected at the first meeting after the Annual Town Council Meeting. Full council to appoint 2 councillors as deputies for the Town Clerk to invite to attend when apologies have been received from committee members

Frequency of Meetings and Minutes

6.37 The committee shall meet once a month to keep abreast of developments relating to its functions and authority.

6.38 The committee meeting will be open to the Press and Public in line with legislation. However, the Committee may resolve to exclude the Press and Public from the part or all of the meeting when discussing matters deemed confidential and may create Sub-Committees, which are not required to be open to the Press and Public.

6.39 Minutes of the committee's meetings shall be taken, and drafts distributed with the agenda for the next meeting, by the Town Clerk. Minutes, agendas and other papers shall, where practicable, be distributed to the committee members electronically, except where individual members request paper copies. All Minutes when approved AND not deemed to be confidential to be uploaded onto the Town Council's website.

Planning

6.40 To make representations to the Local Planning Authority on applications for planning permission which have been notified to the Council.

6.41 To make representations in respect of appeals against the refusal of planning permission.

6.42 To identify and make representations to the relevant authorities in respect of enforcement action or any matters considered to be breaches of planning regulations.

6.43 To deal with any other planning development related matter including conservation matters.

6.44 The Town Clerk be given delegated powers (in conjunction with the committee Chair and Vice-Chair) to respond to applications where a response is required before the next meeting.

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