



PEASEDOWN ST. JOHN PARISH COUNCIL TERMS OF REFERENCE AND DELEGATIONS FOR STANDING COMMITTEES OF THE COUNCIL

Written: April 2024 based on discussions from August 2023 to May 2024 by the appointed Council Structure Review Advisory Panel.

Subject to Adoption at: Full Council meeting on 21st May 2024 (minute C007 – 21/05/2024 refers)

INTRODUCTION

Background

Unless a parish council delegates functions to a committee, sub-committee, officer or another local authority, decisions for the discharge of functions can only be made at meetings of the full council. Decisions cannot be delegated to individual councillors. Decisions can be set aside by a court if made by a body or person not having the power to make them.

Any delegation to a committee, sub-committee or officer should identify the nature and extent of responsibility or decision making. Delegations should be evidenced.

A parish council can arrange for the discharge of part or all of their functions (except in respect of levying the precept) by committees (and sub-committees) and/or officers. Such arrangements can provide for certain decisions to be referred to or made by full council. The 1972 Act gives the parish council's Proper Officer (who is commonly the Clerk) certain responsibilities.

A parish council needs to decide who will be responsible for day-to-day routine tasks involving decisions that should, for reasons of efficiency, be delegated to the Clerk. Delegations to Officers must also reflect statutory duties conferred on particular officers (e.g., the 1972 Act requires a parish council's Proper Officer to sign the summons to members to attend meetings).

It is important that any delegation arrangements are regularly reviewed to ensure that they meet the needs of the parish council in changing circumstances. The scope of any delegation, including any limitation, should be reviewed to ensure the arrangements are efficient.

Committee Members

Three Councillors minimum, six Councillors maximum (plus Chair and Vice-Chair of Full Council as ex-officio 1 members – see Standing Order 4e) per Committee (unless specified in Terms of Reference).

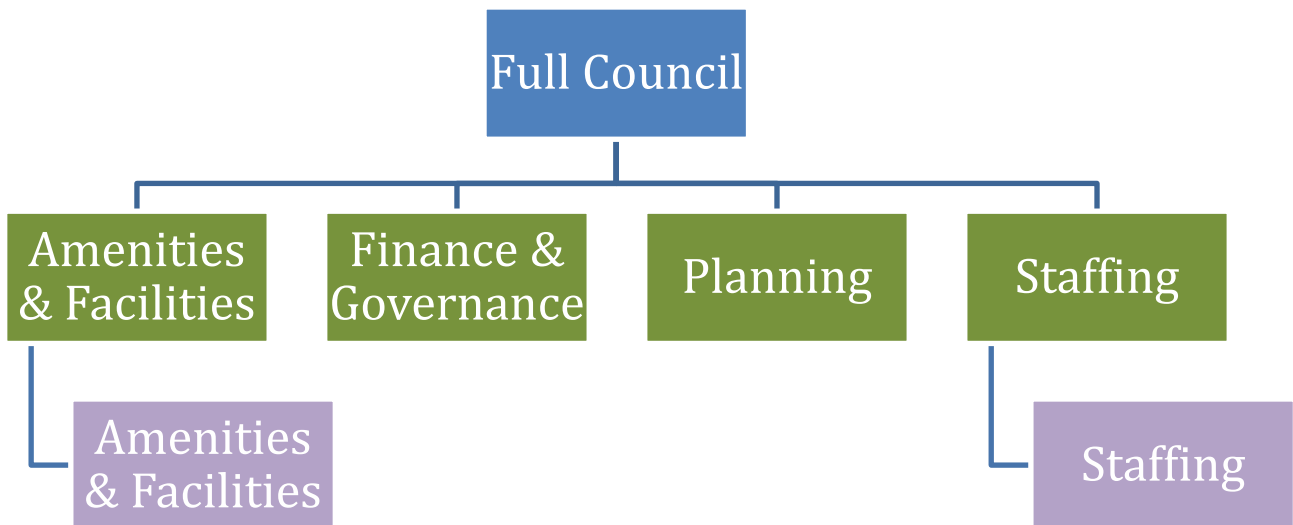
Members of each Standing Committee to be appointed at the Annual Meeting of the Parish Council, and any vacancies that arise are to be filled on an ad-hoc basis at Full Council meetings.

All Committees are to hold at least one meeting per council year.

At the first meeting of each Standing Committee an Advisory Panel should be appointed consisting of all members of that Committee. These Advisory Panels will:

- Assist with the review/investigation of specific projects/matters relating to their appointing Committee Terms of Reference.
- Work to the specifications detailed in the Advisory Panel Policy.
- Report back, using specific pro-forma, to either Full Council or their appointing Committee.

¹ See appendix for definition.



AMENITIES & FACILITIES COMMITTEE

Terms of Reference

- To deal with the provision, maintenance and management of the Parish Council's amenities and facilities to comply with the terms of any legislation and Council policy and ensure that accurate records are maintained.
- To ensure that fees, terms and conditions, and user agreements for all amenities and facilities are reviewed annually.
- To ensure that the existing amenities and facilities are adequately maintained.
- To consider ways in which the existing amenities and facilities can be improved, having due regard to the needs of existing and future users.
- To put forward proposals for maintenance of and improvements to the amenities and facilities for the agreement of the Parish Council.
- To identify key areas for improvement of health and safety and to develop action plans to deal with these issues.
- To annually review the Parish Council policies relating to all amenities and facilities.
- All matters appertaining to Parish Council amenities and facilities; actively maximise the benefits of the amenities and facilities to residents balancing against costs.
- To manage the operational budget as assigned by the council.
- To maximise the available revenue from the council's facilities.

Delegations

- To exercise the powers and duties of the Full Council in relation to any urgent amenities or facilities related matters that cannot reasonably await the next meeting of the Full Council.



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- Where appropriate, to make recommendations to Full Council regarding amenities and facilities related matters.
- To make amendments to the fees, terms and conditions, and user agreement for all amenities and facilities following annual review and to keep them in line with changes to legislation and Parish Council policies.
- The Committee has delegated powers to implement capital projects already agreed by Full Council and to make any changes to the action plan whilst remaining within budget.
- To appoint an Amenities & Facilities Sub-Committee (see below for Terms of Reference and Powers).
- To make decisions on matters, subject to operational or earmarked budget being available, relating to council amenities and facilities.
- All matters appertaining to amenities and facilities related policies.
- To make decisions on matters, subject to operational or earmarked budget being available, relating to Parish Council owned or managed facilities/services.
- To make decisions regarding the utility contracts serving Parish Council owned or managed facilities.

Amenities & Facilities Sub-Committee

Terms of Reference

- The same as listed for the Amenities & Facilities Committee.

Delegations

- To exercise the powers and duties of the Amenities & Facilities Committee on any amenities or facilities matters considered urgent by the Committee Chair and Clerk.
- Where appropriate, to make recommendations to the Amenities & Facilities Committee/Full Council regarding amenities or facilities matters.

FINANCE AND GOVERNANCE COMMITTEE

Terms of Reference

- All matters appertaining to economic and budgetary policies and any matter with a fiscal impact not specifically falling within the remit of any other Committee.
- All matters appertaining to Financial Regulations and any other Finance & Governance related policies.

Delegations

- To exercise the powers and duties of the Full Council in relation to any urgent finance & governance matter that cannot reasonably await the next meeting of the Full Council.
- To review the Council's finances and recommend an annual operational budget and target precept within which committees will be asked to work and to present these recommendations to the January Full Council meeting.
- To ensure that appropriate records are kept of all assets and that they are adequately insured.
- To ensure that the Council is adequately insured and that this is reviewed annually and recommend accordingly.



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- To administer, together with the RFO, the Council's investments and make changes, if thought necessary, from time to time, to get the best interest available.
- Working with the Clerk & RFO to prepare of an annual budget for the Parish Council using recommendations from other standing committees.
- To make a recommendation to the Parish Council for the annual precept.
- Annual review and monitoring of the reserves of the Council to ensure that earmarked reserves are set aside for the maintenance of all Council assets and future projects.
- To review the quarterly reports prepared by the RFO before presentation to Council.
- To monitor the budgets set at the start of the financial year and make recommendations to Council for any changes.
- To monitor the internal and external audits of the Parish Council and ensure that all recommendations are reviewed, and changes made where necessary.
- To monitor the Internal Controls to ensure they are followed.
- To assess the quality of the internal audit and make a recommendation to Council on the appointment of the internal auditor.
- To carry out an annual review of the Parish Council's risk assessment and update as necessary.
- To carry out an annual review of the parish Council's insurance policy to ensure the cover is adequate to cover the risk.
- To review the Council's Investment Strategy & Policy and oversee its implementation.
- To consider all grant applications including reviewing information submitted by grant awardees to be in line with the Council's Grants Terms & Conditions.
- To ensuring the Council's policies and procedures comply with current legislation and recommended practices and making recommendations to Council for any changes.
- Obtaining and reviewing legal advice on behalf of the Council.
- Preparation of responses to consultations not falling within the remit of other standing committees

STAFFING COMMITTEE

Terms of Reference

The Committee/Sub-Committee will be responsible, in conjunction with the Clerk or other professional advisers, for: -

- All matters appertaining to personnel/human resources including:
 - Overseeing staff recruitment, selection, and appointment (including policy and procedures).
 - Staff training and development.
 - Administering and operation of the Council's disciplinary, grievance, capability, grading and appeal procedures and equal opportunities policy, including the setting up of any necessary panels.
 - Contracts of employment (including salary, pensions, holidays, sickness, and all other related benefits), subject to operational or earmarked budget being available.
 - Conditions of employment.



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- Undertake to ensure the Council complies with all employment legislation seeking professional advice when necessary.
- To review all staffing-related policies and procedures and make necessary changes and new policies.
- To support the Clerk in meeting objectives within realistic timescales.
- To manage the operational budget as assigned by the council.
- To work with the Clerk regarding workload and priorities.
- To keep the council apprised on matters relating to Parish Office equipment, including ICT related support and subscriptions.
- Staff appraisals/reviews, staff absences and record keeping (directly for the Clerk and via the Clerk regarding other members of staff). All in accordance with the Staff Appraisal Policy & Document and the Employee Handbook.
- Developing HR strategy.
- Staffing levels and structure.
- Job descriptions/person specifications.
- Staff retention.
- Determining or reviewing staff conditions of service and general terms of employment.
- Salary grading and pay including annual staff review and other remuneration matters.
- Leave entitlements including annual holiday, sickness, statutory entitlements, and special leave.
- Special conditions relating to a specific post or individual.
- Allowances, expenses, and subsistence.
- Working hours.
- Pension arrangements.
- Trade union membership recognition.
- Health, safety, and welfare of staff, including any associated risk assessments and sections of the Risk Register.

Delegations

- To exercise the powers and duties of the Full Council on any staffing matters.
- Where appropriate, to make recommendations to the Full Council regarding staffing matters.
- To make decisions on matters, subject to operational or earmarked budget being available, relating to staff training
- To exercise all the powers and duties of the Full Council regarding the appointment, promotion, salary, or conditions of service of any person employed by the Council, including matters relating to health and safety and equal opportunities. Subject to operational or earmarked budget being available.



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- To act for the Council under employment legislation regarding statutory dismissal, discipline, and grievance procedures.
- To appoint a Staffing Sub-Committee (see below for Terms of Reference and Powers).

Staffing Sub-Committee²

Terms of Reference

- The same as listed for the Staffing Committee.

Delegations

- To exercise the powers and duties of the Staffing Committee on any staffing matters considered urgent by the Committee Chair and Clerk.
- Where appropriate, to make recommendations to the Staffing Committee/Full Council regarding staffing matters.

PLANNING COMMITTEE

Terms of Reference

- All matters appertaining to the planning process originating from B&NES Council and other authorities.
- All matters appertaining to environment issues raised within the parish concerned with highways, transport, waste disposal, recycling, liquor and entertainment licences and general land uses not involving planning applications.
- To respond to all reports and consultation papers generated by B&NES Council or central Government concerning public transport matters.
- All matters appertaining to Planning related policies.
- All matters appertaining to electric vehicle charging points and associated infrastructure.

Delegations

- To exercise the powers and duties of the Full Council in relation to any urgent planning matter that cannot reasonably await the next meeting of the Full Council.
- The Committee has delegated powers to implement capital projects already agreed by Full Council and to make any changes to the action plan whilst remaining within budget.
- To make decisions on matters, subject to operational or earmarked budget being available, relating to the following facilities/services:
 - Footpaths and Public Rights of Way
 - Highways and public transport
 - Electric vehicle charging facilities.
- To make representations to the Local Planning Authority on applications for planning permission which have been notified to the Council.
- To make representations in respect of appeals against the refusal of planning permission.
- To identify and make representations to the relevant authorities in respect of enforcement action or any matters considered to be breaches of planning regulations.

² Staffing Sub-Committee meetings will be only called for urgent matters e.g., grievance.



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- To monitor, review and where necessary make recommendations to the Council for amendments to the planning consultation procedure.
- To deal with any other planning related matter that a meeting of the Full Council considers appropriate to be referred to this Committee.
- To make representations to the relevant authorities on proposed local and regional plans and policy to ensure compliance with the parish's specific planning guidance policies.

Urgent Planning Applications

If a Planning Committee meeting is not to be held within 21 days of receiving the application, then the Clerk will request an extension. If an extension is not granted then a link to the plans shall be sent, by email, to all councillors requesting their comments to be submitted to the Parish Office by a specified date.

The Council shall delegate responsibility for making comment on any such applications to:

- The Clerk or nominated deputy.
- The Chair or Vice Chair of the Planning Committee
- Any two other Councillors (ideally also members of the Planning Committee).

At least four of the above listed people must be present.

Any comments received back within the specified time will be taken into consideration by this group.

Other members may attend these meetings and can express comments/views/opinions at the meeting but responsibility for the official response to the Local Planning Authority will rest with the above-mentioned group.

The Parish Office will provide notification of these applications to the public via the Parish Council notice boards, website, and Facebook page. All comments received by the public within the specified time will be taken into consideration by this group. The public will also be directed to submit their comments directly to the Local Planning Authority.

Councillor site visits, where possible, will be actioned, and any photographs/feedback from these visits will be circulated by the Parish Office to all councillors.

All applications and associated responses considered via this process will be reported back to the next Planning Committee meeting.

FULL COUNCIL

It should be noted that Full Council will retain responsibility for the following:

- Council Strategy.
- Standing Orders.
- Risk Register (although monitored by the Finance & Governance Committee).
- Governance Planning Cycle (although monitored by the Finance & Governance Committee).
- Local Council Award Scheme (Quality Council accreditation).
- Allocation of Financial Reserves and setting of the Precept.
- Oversight and scrutiny of the Standing Committees.



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Appendix - Robert's Rules of Order state:

"Ex officio" is a Latin term meaning "by virtue of office or position." Ex-officio members of boards and committees, therefore, are persons who are members by virtue of some other office or position that they hold. For example, if the bylaws of an organization provide for a Committee on Finance consisting of the treasurer and three other members appointed by the president, the treasurer is said to be an ex-officio member of the finance committee, since he or she is automatically a member of that committee by virtue of the fact that he or she holds the office of treasurer.

Without exception, ex-officio members of boards and committees have exactly the same rights and privileges as do all other members, including, of course, the right to vote. There are, however, two instances in which ex-officio members are not counted in determining the number required for a quorum or in determining whether or not a quorum is present. These two instances are:

1. In the case of the president, whenever the bylaws provide that the president shall be an ex-officio member of all committees (or of all committees with certain stated exceptions); and

2. When the ex-officio member of the board or committee is neither an ex-officio officer of the board or committee nor a member, employee, or elected or appointed officer of the society (for example, when the governor of a state is made ex officio a member of a private college board).

Again, however, it should be emphasized that in these instances the ex-officio member still has all of the rights and privileges of membership, including the right to vote.

* * *

The foregoing ***Terms of Reference and Delegations for Committees of the Council*** has been revised and amended to reflect the changes in the Council's working practices and the latest Government legislation. It was adopted by Peasedown St John Parish Council at a meeting held on 21st May 2024.

Signed:

Chair: Cllr Jonathan Rich

Date: 21st May 2024

Signed:

Clerk: Tanya West

Date: 21st May 2024