## TERMS OF REFERENCE AND DELEGATED POWERS

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DELEGATED POWERS

Members will be advised by the Parish Clerk whether or not a particular item under discussion is within the Committee (or Sub-Committee's) delegated powers. The minutes will then record the decision as “RESOLVED”. If it is not, then the minutes will show the decision as “RECOMMENDED”, and will then be brought to the Council’s particular attention by the Chairman of the Committee at the next meeting of the Council.

In any case where a Committee (or Sub) Chairman and Vice Chairman are either unsure whether or not any matter falls within delegated powers, or whether or not any matter should be determined by them, they should refer that matter to the next highest level of decision. A power delegated does not always have to be exercised.

PUBLIC AND PRESS

Under Section 1(2) of the Public Bodies (Admission to Meetings Act 1960) "that as publicity would be prejudicial to the public interest by reason of the (Special) (Confidential) nature of the business about to be transacted at Agenda Item… Namely… (state nature of business eg 'Discuss Clerk’s Contract'), it is advisable in the public interest that the Public and Press be temporarily excluded from this meeting and they are herewith instructed to withdraw."

Exclusion of the public and press must be minuted but it does not have to be on the Agenda.

There shall be no audio or visual recording or photographs of meetings without the express prior written approval of the Council.

The exclusion of public and press should be used prudently and the Council must be clear on the reasons for doing so.

The press and public can be excluded for the following reasons:

1.0 To discuss terms of service, or to discuss the conduct and dismissal of a member of staff
2.0 Terms and proposals and counter proposals in negotiating contracts
3.0 Preparation in legal proceedings
4.0 The early stages of a dispute
5.0 The early stages of agreeing tender/quotation details
6.0 The approval of tender/quotation details
7.0 To discuss a matter of commercial sensitivity
2.0 FULL COUNCIL

2.1 Membership shall comprise all members of the Council.

2.2 Six members shall constitute a quorum, which is 1/3 of the Council.

2.3 The Council will consider the annual estimates of expenditure of the Council and recommend an annual precept.

2.4 The Council shall approve arrangements to secure the proper administration of the financial affairs of the Council under Section 151 of the Local Government Act 1972 or such other relevant legislation.

2.5 The Council shall deal with any matters not specifically referred to any other Committee of the Council.

2.6 The Council may approve any payments already made for expenditure which have been previously authorised.

3.0 Powers

3.1 To elect the chairman and vice chairman at the beginning of the Civic year (the quorum for the Annual Meeting shall be nine members).

3.2 To appoint the members of the standing committees.

3.3 To co-opt onto the Council new Councillors for un-contested vacancies during the term of the Council.

3.4 To nominate persons to represent the Council on other organisations.

3.5 To monitor the effects and implications of new legislation or best practice and to consider the implications and implementation thereof.

3.6 To ensure the Council’s compliance with the provisions of the Health and Safety at Work Act.

3.7 To approve the purchase of and repairs and maintenance to civic insignia.

3.8 To maintain an up-to-date Register of Assets of the Council’s property and investments.

3.9 To maintain proper and adequate insurances and indemnities for the Council’s activities, liabilities, properties, assets and employees.

3.10 To receive and consider all recommendations and reports from other Committees of the Council relating to the forthcoming year’s Estimates of Income and Expenditure and to consider any project bids for inclusion in the Council’s Capital Programme of works.

3.11 To consider expenditure not within previously approved budgets.
3.12 To consider expenditure within a generally agreed budget but where the costs (or estimated costs) exceed that budget.

3.13 To consider expenditure within generally agreed budgets but on items insufficiently clarified.

3.14 To consider the Estimates of Income and Expenditure for the forthcoming financial year, to adopt a rolling Programme of Capital Expenditure, levels of balances to be maintained and a precept to be levied on the District Council.

3.15 To receive and approve statements of invoices paid or due to be paid.

3.16 To approve the virement of expenditure within overall approved estimates.

3.17 To consider all applications for financial assistance and to have regard to all applicants’ latest examined accounts and statements of balances before determining such applications.

3.18 To review from time to time the Council’s system of making grants or financial assistance and to recommend changes where necessary.

3.19 To review the Terms of Reference of the Council’s Committees on an annual basis.

3.20 Matters may also be delegated to the appropriate Committee if the matter requires further information/consideration.

3.21 To annually receive reports (either written or verbally) from members appointed by the Council to outside bodies.

3.22 Without prejudice to the position of the Parish Clerk as the Council’s spokesperson and immediate advisor on public relations matters, to advise the Council on matters relating to the promotion and publicity of the Council affairs and events generally.

4.0 Delegation of Power

4.1 To the Parish Clerk. LGA 1972 s101

4.2 Matters of an urgent nature requiring settlement before the next meeting of the Council may be dealt with by the Parish Clerk in conjunction with the Chairman and Vice chairman and one other Councillor at their discretion but must be submitted for approval to the next meeting of the Council.
5.0 FINANCE COMMITTEE

Terms of Reference

5.1 Membership shall comprise six members of the Council.

5.2 To elect a Chairman of the committee for each Civic year.

5.3 Three members shall constitute a quorum, which is 1/3 of the committee.

5.4 The Committee will place before the Parish Council annual estimates of expenditure relating to matters within its responsibility.

5.5 To receive, consider and approve the Annual Statement of Accounts together with the Auditor’s Report and to take such action as may be necessary to comply with the Auditor’s recommendations.

5.6 To establish and maintain a financial management system such as will comply with the relevant requirements of the Governance and Accountability in Local Government in force from time to time and in accordance with the Council’s levels of income and expenditure.

5.7 To invest the Council’s balances in a manner such as will attract a reasonable return in circumstances with only low risk potential.

5.8 To establish and maintain a system of Internal Audit of all the Council’s activities.

5.9 To receive, consider and approve the Internal Auditor’s Report and to take such action as may be necessary to comply with the Internal Auditor’s recommendations.

5.10 To maintain a satisfactory system of monitoring the levels of Council expenditure and income and to appraise the Council of such details at regular intervals.

6.0 Delegation of Power

To the Committee

6.1 To act in respect of all matters within the purview of the Committee from 1.00 to 10.0 above.

6.2 Matters of an urgent nature requiring settlement before the next meeting of the Council may be dealt with by the Parish Clerk in conjunction with the Chairman and one other Councillor at their discretion but must be submitted for approval at the next meeting of the Committee.
7.0 PERSONNEL COMMITTEE

Terms of Reference

7.1 Membership shall comprise five members.

7.2 To elect a Chairman of the committee for each Civic year

7.3 Three Members shall constitute a quorum, which is 1/3 of the committee

7.4 To advertise for the appointment of the Parish Clerk and to make arrangements for interviews by an appointed panel who shall make a recommendation to a special meeting of the council on the person most suitable to fill the post.

7.5 To deal with all matters relating to the establishment, recruitment and appointment and terms and conditions of employment for all staff.

7.6 To establish a programme of training for employees such as will encourage professional advancement and effective decision making throughout the Council’s activities and to ensure so far as possible adequate financial provision to secure these objectives.

7.7 To establish and regularly review personnel policies and procedures including staff appraisal.

7.8 To determine and monitor appointment procedures.

7.9 To convene an Appeals Committee if and when required.

7.10 To authorise the attendance of officers at conferences or courses including the incurring of necessary expenditure.

7.11 To approve the payment of removal expenses in relation to the appointment of staff together with any ‘lodging allowances’ as may be deemed necessary.

7.12 To ensure that all Members of the Personnel Committee are aware of and understand their responsibilities in staffing matters.

8.0 Delegation of Power

To the Committee

8.1 Items included in paragraphs above.

8.2 To annually review staffing levels and make recommendations to the Parish Council.

8.3 To receive annual reports on staff appraisals in March of each year.

8.4 To review and agree a matrix system showing which Members of the Parish Council would be able to sit on staffing appeal panels should the need arise.
8.5 Matters of an urgent nature requiring settlement before the next meeting of the Council may be dealt with by the Parish Clerk in conjunction with the Chairman and one other Councillor at their discretion but must be submitted for approval to the next meeting of the Committee.

9.0 PLANNING COMMITTEE

Terms of Reference

9.1 Membership shall comprise eight members of the Council.

9.2 Three members of the Council shall constitute a quorum, which is 1/3 of the committee.

9.3 To elect a Chairman of the committee for each Civic year.

9.4 The Committee shall receive and consider applications for planning permission received from the Local Planning Authority. Having regard to the town plan, any local approved development plan or framework, parish amenities and other relevant considerations, the Committee shall make suitable recommendations to the Local Planning Authority as to whether or not planning permission should be granted, withheld or granted subject to certain conditions.

9.5 The Committee shall receive on behalf of the Parish Council such statutory notifications as fall within the function of Town Planning.

9.6 The Committee shall act in respect of any other matter requiring any form of planning consideration and which is within the purview of the Committee and which requires some form of recommendation to the Parish Council.

10.0 Delegation of Powers

To the Committee

10.1 Those functions contained in paragraphs above shall be delegated to the Planning Committee.

10.2 Matters of an urgent nature requiring settlement before the next meeting of the Council may be dealt with by the Parish Clerk in conjunction with the Chairman and one other Councillor at their discretion but must be submitted for approval to the next meeting of the Committee.
11.0 POWERS SPECIFICALLY DELEGATED TO THE PARISH CLERK

11.1 Authorising expenditure on items where the Council, or the appropriate Committee under delegated powers, within a budget approved by the Council, has agreed the expenditure.

11.2 The power to act as the Council’s “Proper Officer” in all cases where any legislation requires the appointment of such an officer.

11.3 To act as the Responsible Officer for Health and Safety, and as the Council’s Proper Officer in all cases where legislation so requires.

Terms of Reference and Delegated Powers revised by the parish council on 14th September 2011
ST CUTHBERT OUT PARISH COUNCIL

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AND

DELEGATED POWERS

Revised August 2011