

Copythorne Parish Council – Tuesday November 12th 2019

Item 15b – To receive and approve amendments to the Advisory Committees: Terms of Reference adopted on September 10th 2019

I have made some amendments to the above document following suggestions made by the members of the Flooding Advisory Committee whilst creating their own Terms of Reference. The revised document is attached.

In summary the changes are as follows:-

Throughout – References to Copythorne Parish Council have been standardised to “the Council”

Throughout – The individual responsibilities for each Advisory Committee have been numbered to aid future referencing.

Throughout – The wording of “Decisions and Delegated Powers” has been changed but the powers themselves remain unchanged.

Throughout – “Record of discussions” amended to “notes”

Throughout – The timelines for receipt and distribution of agendas and notes have been amended to provide further clarity (note: Working days are Monday to Friday, excluding public holidays)

Page 5 – Point C - The words “*(as far as are permitted under 4 (c) above)*” have been removed as they superfluous and should have been removed before the adopted document was presented for adoption at our September 2019 meeting

Proposal

The amendments detailed above be approved and a revision date of November 12th 2019 be added to the previously adopted Advisory Committees: Terms of Reference.

DAVID RIGBY
Parish Clerk

Copythorne Parish Council

Advisory Committees: Terms of Reference

Copythorne Parish Council

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Copythorne Parish Council

INTRODUCTION

Purpose of this Document

This document defines the Terms of Reference ("ToR") of the Copythorne Parish Council's Advisory Committees (previously known as Working Groups) and documents the Council's policies. This section, Introduction, is used to define terminology used throughout the remainder of the document.

Definitions

Terms of reference: ToR are used to set out the parameters within which the Advisory Committees are to operate. Good practice requires that ToR are recorded in writing and made available to all members of the Council.

Clear ToR provide assurance to the public that the Council is operating in a transparent manner and within an appropriate Governance framework.

ToR should be reviewed at least annually.

Policy and Procedures: A policy is a set of principles that form the basis of making rules and guidelines; policies provide overall direction; above all they offer transparency and consistency supporting the decision making process.

Note that Policies define only principles; whereas Procedures define how, when, [and often who]. Together, policies and procedures ensure that strategies and intentions are translated into steps that result in the required outcomes.

Advisory Committees are set up so that a small group of councillors (and sometimes co-opted experts) may focus in detail on a particular issue. This allows the Council to ensure that sufficient attention is being paid to the detail of specific issues without one topic dominating the agenda at Council meetings. Advisory Committees cannot make decisions (they may make recommendations); the Council is responsible for the actions of the Advisory Committee.

Standing Orders: Delegated powers are described in the Council's Standing Orders (SOs). Under the 1972 Local Government Act Parish Councils have the power to organise their own affairs. If they do this then they must document how they wish to function as a council and this document, known as standing orders covers procedures during meetings, committee structures, financial matters not covered in the council's financial regulations, delegation to council officers and other matters. SOs cannot override matters defined in legislation.

The Clerk: is employed by the Council (under section 112 (1) of the Local Government Act 1972) to provide administrative support for the Council's activities. The Clerk is responsible for directly managing any other staff or contractor engaged by the Council.

The Clerk is the Council's 'Proper Officer' - a term used in statute. It refers to the appropriate officer for the relevant function. In financial matters, the Proper Officer is known as the Responsible Financial Officer.

The Clerk's primary responsibility is to advise the Council on whether its decisions are lawful and to recommend ways in which decisions can be implemented and will if required be asked to research topics of concern to the Council and provide unbiased information to help the Council to make appropriate choices.

The Clerk has a wide range of other responsibilities, these are set out in their job description, or where not formally documented, as directed by the Council from time to time. The Clerk must recognise that the Council is responsible for all decisions and that they take instructions from the Council as a body. The Council must be confident that the Clerk is, at all times, independent, objective and professional.

The Clerk may not make decisions (save as specifically delegated) on behalf of the Council or vote at meetings.

Copythorne Parish Council

The Council: is a body corporate created under The Local Government Act of 1894. Local government was further reformed in 1974 following the Local Government Act of 1972 with the result that Parish Councils had more freedom to operate without consents from central government. Further reforms were made within the Localism Act 2011.

The Council represents and serves the whole community. The Council is responsible for the services it provides. It establishes policies for action and decides how money will be raised and spent on behalf of the community. It is responsible for spending public money lawfully and achieving the best value for money.

Except in certain circumstances (Public Bodies (Admission to Meetings) Act 1960) Council meetings are open to the public. The Council as a body decides whether to work in partnership with other organisations and it often serves (through representatives) on other bodies. An individual Councillor (including the Chairman) cannot make a decision on behalf of the Council so when working in partnership, Councillors must always remember that they represent the Council as a corporate body.

Parish Councillors: are elected by the electors of the Parish (section 16 (2) of the Local Government Act 1972) every four years. Copythorne Parish Council has 7 Councillors, including the Chairman in total. A Councillor may also be returned by by-election, co-option or by return after a successful election petition.

All Councillors are required to complete a declaration of Acceptance of Office and to provide a written undertaking that they accept the Council's Code of Conduct. Under the Localism Act 2011, and the relevant authorities (Disclosable Pecuniary Interests) Regulation 2012, all Councillors are required to register DPI. On May 23rd 2017 Copythorne Parish Council unanimously resolved to adopt a revised Code of Conduct proposed by the Clerk (Minute No. 16). Councillors DPI are registered with Copythorne Parish Council and the monitoring officer of New Forest District Council.

Individual Councillors work together to serve the community and to help the Council to make decisions on behalf of the local community. Councillors contribute to the work of the Council by suggesting ideas, engaging in constructive debate and by responding to the needs and views of the community representing their constituents. Councillors comment on proposals to ensure the best outcome and vote to enable the Council to make decisions.

Councillors must accept the decisions of the Council as a whole even if they do not agree with them. In such circumstances a Councillor may ask for a vote against a Resolution to be recorded.

Councillors are required to behave in an ethical way and to declare an interest when necessary.

The Chairman (Chair): is elected by the members of the Council at the Annual Council Meeting and serves for twelve months (Section 15 (1) of the Local Government act 1972).

The Chairman's main role is to run Council meetings. They can suggest the content and design of the agenda, but as legal signatory, the Clerk has the final say.

The Chairman is responsible for ensuring that effective and lawful decisions are taken at meetings of the Council and, assisted by the Clerk, guides activities by managing the meetings of the Council. The Chairman is responsible for involving all Councillors in discussion and ensuring that Councillors keep to the point. The Chairman summarises the debate and facilitates the making of clear Resolutions and is responsible for keeping discussions moving so that the meeting is not too long. The Chairman has a casting vote. Their first vote is a personal vote as a member of the Council. If there is a tied vote, the Chairman can have a second, casting vote.

The Chairman will often be the public face of the Council and will represent the Council at official events. They may be asked to speak on behalf of the Council and, in such circumstances, should only express the agreed views of the Council and not his/her personal views.

The Chairman cannot legally make a decision on behalf of the Council.

The vice Chair will assume the responsibilities and duties of the Chair in their absence.

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ADVISORY COMMITTEES

The role of Advisory Committees

The role of Advisory Committees is to progress the Council's day to day service delivery and to develop strategy.

Advisory Committees are not empowered to make decisions on behalf of the Council.

Under Copythorne Parish Council's Standing Orders Advisory Committees are constituted as follows:

- a. The Council may appoint Advisory Committees comprised of a number of councillors and non-councillors.
- b. Advisory Committees are constituted to implement the decisions of the Council as are specifically identified in their Terms of Reference and may only use the resources as delegated by the Council and have no mandate to make decisions on behalf of the Council save as are delegated necessary to act in that capacity.
- c. Advisory Committees must report on activities in the period since the last meeting (or identify that no activities were conducted) to Council at meetings in order that progress against Terms of Reference may be noted and decisions may be ratified.
- d. Advisory Committees or their individual members cannot under any circumstances undertake activities involving other agencies, bodies or individuals which commit the Council to any financial, legal or promotional / advisory functions without reference to the Council and its approval. All communications with external agencies, bodies or individuals should notified to the Clerk to maintain audit trails of any developments.

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TERMS OF REFERENCE: Advisory Committees

A. Finance Advisory Committee

Aim:

The aim of the Finance Advisory Committee is to oversee and advise the Council on all matters relating to Financial and other risk management

Responsible for:

1. Preparing budgets and recommending precepts and submit them to the Council for approval
2. Monitoring quarterly reports - prepared by the Responsible Financial Officer - of income and expenditure against the approved budget and recommend virements between budget lines as required
3. Ensuring that an adequate and effective system of internal audit of the Council's records and control systems is maintained as required by the Accounts and Audit regulations
4. Reviewing and recommend the Council's Financial Regulations annually and to ensure that the Council is observing those regulations
5. Monitoring compliance with laid down internal and external audit and other financial procedures, regulations and statutes
6. Recommending to Council the Annual Return and as part of the process to:-
 - a. Consider the Annual Accounts
 - b. Ensure that the asset register is up to date
 - c. Consider any risk management issues
7. Reviewing the Council's cash (and if applicable investment) reserves so that they may be kept at a level appropriate to financial risk; also identify and earmark reserves for specific projects
8. Regularly reviewing & recommending the Council's Banking, Investment and Insurance arrangements
9. Monitoring and where appropriate recommend purchase of all capital items
10. Assessing and recommending provision for future capital projects
11. Monitoring, reviewing and recommending on all matters relating to the Council's staff levels, emoluments and conditions of service passed to it by the HR Advisory Committee (the Clerk will not participate in discussions related to their own emoluments other than to confirm that funding is available within the Council's budget)
12. Monitoring the Council's financial risk assessments and recommend changes where necessary
13. Establishing, recommending and then implementing a clear policy for grant administration, both incoming and outgoing
14. Recommending to the Council such delegated powers to the Clerk as though appropriate

Members

- Voting Membership of the Committee shall comprise the Chairman of the Council; the Vice Chair of the Council; and two other Councillors elected annually by the Council at the Annual Parish Council Meeting in May
- The Clerk (in their role as Responsible Financial Officer is a non-voting member).
- The voting members of the Finance Advisory Committee will elect a Chairman annually
- Membership of Committees may be changed at any Council meeting.
- Councillors may be co-opted to join during year if authorised by Council.
- Non-Councillors may be invited to join the Committee. These persons do not have a right to vote or to move or second a motion.
- Three voting members shall constitute a quorum for meetings.

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Meetings

- Are to be held in such locations that are legal and practical for members to attend and that result in minimal financial burden on the Council.
- The Finance Advisory Committee will as a minimum, meet regularly four times a year (usually in the month following a financial quarter end) in order to conduct current business as determined in the Terms of Reference and as instructed by the Council.
- In addition, a fifth meeting will be held in November each year to confirm the recommended budget and requested precept for the following financial year (non-councillor members of the Financial Advisory Committee, if any, will not be permitted to attend this meeting)
- As an Advisory Committee public notice of meetings or public admission to meetings is not required.
- Agendas are to be distributed by the Chair of the Finance Advisory Committee at least five working days prior to any meeting to all its members and to the Clerk of the Council. The Clerk is to distribute a copy at least three working days prior to the meeting to all Councillors who are not members.
- As an Advisory Committee full minutes of meetings are not required. The Chair of the Finance Advisory Committee is however required to forward to the Clerk of the Council notes of its meetings within five working days of any meeting. These will then be distributed to all Councillors for their information within seven working days of the meeting.

Decisions and Delegated Powers

- The Finance Advisory Committee is constituted to implement the decisions of the Council as specifically identified in its Terms of Reference and may only use resources as delegated by the Council. The Finance Advisory Committee has no mandate to make decisions on behalf of the Council

Reporting to Council

- The Chair of the Finance Advisory Committee must submit to the Clerk of the Council any report arising from its meetings that includes recommendations to Council in accordance with Standing Order 9 ("Motions for a meeting that require written notice to be given to the Proper Officer").
- Clear and concise recommendations are required at all times to avoid ambiguity in the motions to the Council to ensure that the intention of the resolution is conveyed to the members for them to vote.

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TERMS OF REFERENCE: Advisory Committees

B. 5 Year Plan Advisory Committee

Aim:

The aim of the 5 Year Plan Advisory Committee is to advise, oversee and make recommendations to the Council on all matters relating to the preparation, delivery and continued updating of the Copythorne Parish Council 5 Year Plan.

Responsible for:

1. Acting as the custodian of the Copythorne Parish Council 5 Year Local Plan on behalf of the Council.
2. Managing the process to undertake consultation and development activities both within the Council and the broader community of the Parish to secure possible items of inclusion in the Plan.
3. Developing criteria, including any constraining issues against which to measure any suggested inclusion and report them to the Council for approval.
4. Devising a draft Plan of an annual basis (i.e. always rolling one year forward on a 5 year timescale) and liaise with the Finance Advisory Committee on the potential cost/precept implications prior to submission to the Council for consideration, and approval for final publication for comment to our community.
5. Creating 'tools' to monitor progress on implementation of projects/activities/services within the Plan priorities.
6. Creating a project management structure to oversee projects identified for action within the Plan in any one year.
7. Where appropriate, amend the Plan to reflect any legislative or other changes which impact on the work of the Council in the maintenance and development of its Plan and submit those changes to the Council for approval.

Members

- Voting Membership of the 5 Year Plan Advisory Committee shall comprise four Councillors elected annually by the Council at the Annual Parish Council Meeting in May.
- The Clerk (in their role as Responsible Financial Officer is a non-voting member).
- The voting members of the 5 year Plan Advisory Committee will elect a Chairman annually.
- Membership of the 5 Year Plan Advisory Committee may be changed at any Council meeting.
- Councillors may be co-opted to join during year if authorised by Council.
- Non-Councillors may be invited to join the 5 year Plan Advisory Committee. These persons do not have a right to vote or to move or second a motion.
- Three voting members shall constitute a quorum for meetings.

Meetings

- Are to be held in such locations that are legal and practical for members to attend and that result in minimal financial burden on the Council.
- The 5 Year Plan Advisory Committee will meet on a quarterly basis to monitor the plan, combined with designated meetings to deliver aspects of the approved Plan's development - e.g. current cycle of consultation and drafting - as needed.
- As an Advisory Committee public notice of meetings or public admission to meetings is not required.
- Agendas are to be distributed by the Chair of the 5 Year Plan Advisory Committee at least five working days prior to any meeting to all its members and to the Clerk of the Council. The Clerk is to distribute a copy at least three working days prior to the meeting to all Councillors who are not members

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- As an Advisory Committee full minutes of meetings are not required. The Chair of the 5 Year Plan Advisory Committee is however required to forward to the Clerk of the Council notes of its meetings within five working days of any meeting. These will then be distributed to all Councillors for their information within seven working days of the meeting.

Decisions and Delegated Powers

- The 5 Year Plan Advisory Committee is constituted to implement the decisions of the Council as specifically identified in its Terms of Reference and may only use resources as delegated by the Council. The 5 Year Plan Advisory Committee has no mandate to make decisions on behalf of the Council

Reporting to Council

- The Chair of the 5 Year Plan Advisory Committee must submit to the Clerk of the Council any report arising from it's meetings that includes recommendations to Council in accordance with Standing Order 9 ("Motions for a meeting that require written notice to be given to the Proper Officer").
- Clear and concise recommendations are required at all times to avoid ambiguity in the motions to the Council to ensure that the intention of the resolution is conveyed to the members for them to vote