



BRINSWORTH PARISH COUNCIL COMMITTEE STRUCTURE PROPOSAL AND TERMS OF REFERENCE

1. DISCHARGE OF THE SCHEME

- 1.1 This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders and will be reviewed at least annually or earlier, for example when there are staffing changes.
- 1.2 One of the purposes of the document is to clearly define the parameters within which Officers of the Council are able to act without reference to either their line managers or Members.
- 1.3 Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.
- 1.4 Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.
- 1.5 The other purpose of the document is to capture the various delegated powers throughout the Council, including those delegated by the Council to its various committees. This element of the scheme incorporates the Terms of Reference of the Committees.

2. THE POWER TO DELEGATE

- 2.1 The power to delegate functions by local Councils is set out in the Local Government Act 1972 S.101. Local Government Act 1972 S.101 Arrangements for discharge of function by local authorities.
 - (1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions: (a) by a Committee, a Sub-Committee or an officer of the authority, or (b) by any other local authority.
 - (2) Whereby virtue of this section any functions of a local authority may be discharged by a Committee of theirs, then, unless the local authority otherwise direct, the Committee may arrange for the discharge of any of those functions by a Sub-Committee of the authority, then unless the local authority or the Committee otherwise direct, the Sub-Committee may arrange for the discharge of any of those functions by an officer of the authority.
 - (3) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint Committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.
 - (4) A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority.



3. COMMITTEE STRUCTURE





4 DELEGATION TO COMMITTEES

- 4.1 The following matters are delegated to the Council's Committees to make decisions on behalf of the Council. The delegated decision making by Committees must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget. Where they are delegated to the Committee, so far as is legally permissible, they be deemed the acts and proceedings of the Council.
- 4.2 The Council may at any time, following resolution, revoke any delegated authority, without prejudice to executive action already taken.
- 4.3 Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council. Similarly, where a Committee has no delegated power to make a decision, it makes a recommendation to Council.
- 4.4 The Council and each Committee is authorised to establish Sub-Committees and working groups, and to appoint advisers as and when necessary to assist in its work.
- a) A Committee can arrange for the discharge of any of their delegated powers to a Sub-Committee. The delegated powers will be decided by the Committee at the time it is formed detailing the delegated powers. The collective decision-making responsibilities in the Committee and Sub-Committee are limited by the terms of reference of the Committee.
 - b) The appointment of members to a Sub-Committee shall comprise of members appointed to the parent Committee. The Chairman of a Committee or Sub-Committee may be elected by the Committee from amongst its members.
 - c) The work of a working group will be decided upon at the time it is formed by means of a minute detailing the terms of reference. Each working group will report back with recommendations to the Council or the Committee that formed it. Working parties or groups have no delegated powers.

Definition of "Oversee" regarding the Scheme of Delegation for each Committee:

To monitor and supervise the responsibilities of officers for a given area and provide instruction or direction or recommendations to officers when appropriate. This will include Committees receiving appropriate reports and information from officers to make informed decisions.



FULL COUNCIL

MEMBERSHIP: All 11 Councillors

PURPOSE: The Full Council will consider matters of policy, planning, strategy, statutory requirements, and issue having major impact on the Parish.

AIMS & OBJECTIVES:

- a. To appoint the Chairman and Deputy Chairman of the Parish Council.
- b. To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies.
- c. Approval of budget, setting of precept and use of Council Reserves.
- d. Approval of the Annual Return and Audit of Accounts.
- e. Consider the external auditors report made in the public interest.
- f. To determine the Council's Corporate Priorities.
- g. To agree and/or amend the terms of reference for Committees, deciding on their composition and making appointments to them.
- h. Filling of any vacancies occurring on any Committee of the Council during the Council year.
- i. To adopt the schedule of meetings for the ensuing year.
- j. Declaring the eligibility of the General Power of Competence (to be confirmed by a resolution subject to satisfactory criteria met).
- k. Adopting and revising the Council's Code of Conduct and Officer / Member Protocol.
- l. Approve any grant above £2,000.00 or single commitment more than £5,000.00.
- m. Addressing any recommendations in any report from the internal or external auditors.
- n. Appointment or nominating Council representatives to outside bodies.
- o. Agreement to take on new, including devolved services, subject in all cases to a fully costed business plan, to be recommended by the relevant Committee.
- p. To consider and approve remuneration recommendations made by the Clerk and adopt the level of allowances that can be claimed by Members of the Council in respect of authorised or approved duties.
- q. To approve any amendments to staffing structures, contracts of employment and terms and conditions of employment.
- r. To consider and approve all Councillor training requests.
- s. To determine matters involving expenditure for which budget provision is not made or is exceeded, consider recommendations for budget virements and use of Council reserves made by the Finance Committee.
- t. To determine matters affecting or likely to affect, another Committee or where consultation with or approval of that other Committee is required.
- u. To determine any matters referred to it by a Committee in accordance with Standing Orders.
- v. To receive planning applications for the Parish, review and comment as appropriate.
- w. Approval of borrowing.
- x. To determine matters which do not fall within the remit of any Committee.
- y. To receive statutory reports (e.g. AGAR) from the Clerk/Responsible Financial Officer.
- z. To consider all other matters which must, by law be considered by Full Council.
- aa. To set up specific working parties for any projects required. Each working party group will report back with recommendations to Full Council or the Committee that formed it. Working parties or groups have no delegated powers.



MEETING ARRANGEMENTS AND FREQUENCY:

Meetings will be held bi-monthly. A calendar will be prepared by the Clerk and agreed at the Annual Council meeting. Election of the Chair will be the first business of the Annual Council meeting. The Clerk / Deputy Clerk will minute meetings. Meetings will commence at 6.30pm unless otherwise stated on the agenda. Standing Orders on rules of debate and on interests of members in contracts or other matters shall apply.

QUORUM:

A minimum number of 4 members (or one-third) are required for decision-making purposes in line with Council Standing Orders.



1. FINANCE COMMITTEE

MEMBERSHIP: A minimum of 6 Councillors (if not elected to the Committee the Chair of the Full Council may attend meetings as ex officio but has no voting rights).

PURPOSE: The Finance Committee will oversee the administration of all matters relating to Council finance, audit and compliance with relevant legislation.

AIMS & OBJECTIVES:

- a. The administration of the Councils financial affairs.
- b. The Clerk will undertake the work of the Responsible Finance Officer and the Committee will provide direction, governance and an audit and scrutiny function.
- c. To annually review any recommendations from the RFO in relation to subscriptions, service provision / level agreements with suppliers with a view to their continued necessity, suitability, and value for money.
- d. To oversee that there is adequate insurance cover in place for all Council assets and the appropriate fidelity guarantee for members and officers is in place.
- e. To oversee fixed assets and asset management and make any recommendations to Full Council on disposal.
- f. To review the internal controls including the review of effectiveness of internal audit and internal controls.
- g. To consider and approve the charges and fees associated with Council facilities.
- h. To oversee the tendering, contract and purchasing arrangements in line with Council Financial Regulations.
- i. To recommend to Full Council the awards of grants and donations to local organisations.
- j. To complete the annual review of direct debit payments.
- k. Authorisation for payment of Council invoices.
- l. To risk assess and approve the bank reconciliation.
- m. To risk assess and approve the monthly receipts and payments.
- n. To receive the quarterly budget monitoring statement and recommend to Full Council any budget variations required or use of reserves.
- o. To consider the draft of the annual budget and precept amount in time for approval at the Full Council meeting in December / January as per Council Financial Regulations.
- p. To set up specific working parties for any projects required. Each working party group will report back with recommendations to Full Council or the Committee that formed it. Working parties or groups have no delegated powers.

MEETING ARRANGEMENTS AND FREQUENCY:

Meetings to be held quarterly. A calendar of meetings will be agreed at the Annual Council meeting. Election of the Chair will be the first business of the Committee's initial meeting after the Annual meeting. The Clerk / Deputy Clerk will minute meetings. Meetings will commence at 6.30pm unless otherwise stated on the agenda. Standing orders on rules of debate and on interests of members in contracts or other matters shall apply.

QUORUM:

A minimum number of 3 Councillors with voting rights are required for decision-making purposes.



2. HUMAN RESOURCES COMMITTEE

MEMBERSHIP: A minimum of 6 Councillors (if not elected to the Committee the Chair of the Full Council may attend meetings as ex officio but has no voting rights).

PURPOSE: The Human Resources Committee will oversee management of matters relating to Council employees in line with the relevant legislation and the Council's employment policies.

AIMS & OBJECTIVES:

- a. The Clerk will answer to the Full Council but will elect one Councillor from the Human Resources Committee to be their direct line manager to approve annual leave, sick leave in accordance with Council policy, and any overtime in exceptional circumstances.
- b. To review staffing structures and levels and make recommendations to Full Council.
- c. To receive reports from the Clerk in respect of all other Council employees.
- d. To oversee the Clerk's responsibilities for staff management, contracts of employment, job descriptions and person specifications.
- e. To oversee the monthly payroll management process and approve payments online.
- f. To review pension arrangements.
- g. To consider and approve appropriate training and continued professional development and ensure a robust performance appraisal scheme is implemented by the Clerk and monitored by the Committee.
- h. To be responsible for the recruitment and appointment of all staff including the post of Clerk and Responsible Finance Officer.
- i. To elect a recruitment panel as and when necessary. Recruitment panels will include 3 Councillors from the HR Committee and the Chair of the Council in the case of the Clerk and Responsible Finance Officer. For all other positions, the panel should consist of the Clerk and 2 Councillors from the HR Committee. In the case of the Clerk and Responsible Finance Officer the recruitment panel will report its findings and make recommendations to Full Council prior to any offer of employment being made to the appropriate candidate.
- j. In the absence of the Clerk or Deputy Clerk the HR Committee will appoint a temporary Proper Officer.
- k. To consider and take appropriate action for any disciplinary issues in conjunction with the Clerk.
- l. To monitor and address regular or sustained staff absence.
- m. To review all Council policies that relate to staff employment including the staff handbook on an annual basis.
- n. To consider any other staffing matters referred to the Committee by Full Council.
- o. The Clerk will ensure that the Council complies with all legislation requirements relating to the employment of staff and provide any updates and reports to the HR Committee as and when required.
- p. The HR Committee will refer any appeals regarding staff disciplinarys and grievances against Councillors to the Complaints, Appeals and Grievance Committee.
- q. All actions taken by the HR Committee will be reported back to the next Full Council meeting.
- r. To set up specific working parties for any projects required. Each working party group will report back with recommendations to Full Council or the Committee that formed it. Working parties or groups have no delegated powers.



MEETING ARRANGEMENTS AND FREQUENCY:

Meetings to be held quarterly and are not open to the public. Election of the Chair will be the first business of the Committee's initial meeting after the Annual Council meeting. The Clerk / Deputy Clerk will minute meetings. Meetings will commence at 6.30pm unless otherwise stated on the agenda. Standing orders on rules of debate and on interests of members in contracts or other matters shall apply.

QUORUM:

A minimum number of 3 Councillors with voting rights are required for decision-making purposes.



3. COMPLAINTS, APPEALS AND GRIEVANCE COMMITTEE

MEMBERSHIP: A minimum of 5 Councillors, members appointed must not be already elected on the Human Resources Committee or have previously been involved in the case (if not elected to the Committee the Chair of the Full Council may attend meetings as ex officio but has no voting rights).

PURPOSE: The role of the Complaints, Appeals and Grievance Committee consists of investigating any complaints, grievances and concerns raised by the Clerk or employee of the Council in accordance with Grievance and Disciplinary Policies as adopted by the Council.

AIMS & OBJECTIVES:

- a. The Members appointed to sit on the Complaints, Appeals and Grievance Committee must not have sat on any other body in respect of the matter under consideration or had any previous involvement in the matter.
- b. The Complaints, Appeals and Grievance Committee shall have fully delegated powers to resolve any complaint, grievance or concern which has been raised and report its actions to the next meeting of the Full Council.
- c. The Complaints, Appeals and Grievance Committee shall have the right to meet in closed session, without the attendance of non-members, should it see fit.
- d. Any member of the Complaints, Appeals and Grievance Committee found not acting impartially may be removed from the Committee.
- e. Any member of the Complaints, Appeals and Grievance Committee named in a complaint, grievance or concern may be asked to step down from the Committee for the duration of the complaint, and be subject to any recommendations made by any investigation.
- f. The Complaints, Appeals and Grievance Committee will be responsible for dealing with complaints, appeals and grievances made by Council employees or Councillors.
- g. If the Complaints, Appeals and Grievance Committee feels there is sufficient grounds an investigation into the complaint will be launched with the support of the Clerk or Deputy Clerk.
- h. Should the complainant not accept the findings of the Complaints, Appeals and Grievance Committee then the complainant shall be able to refer the complaint, grievance or concern to Full Council. If the complaint or grievance is received against an elected member the individual will be directed to the Monitoring Officer at the local authority.

MEETING ARRANGEMENTS AND FREQUENCY:

Meetings to be held as and when required and are not open to the public. Election of the Chair will be the first business of the Committee's initial meeting after the Annual Council meeting. The Clerk / Deputy Clerk will minute meetings. Meetings will commence at 6.30pm unless otherwise stated on the agenda. Standing orders on rules of debate and on interests of members in contracts or other matters shall apply.

QUORUM:

A minimum number of 3 Councillors with voting rights are required for decision-making purposes.



4. RECREATION AND FACILITIES COMMITTEE

MEMBERSHIP: A minimum of 6 Councillors (if not elected to the Committee the Chair of the Full Council may attend meetings as ex officio but has no voting rights).

PURPOSE: The Recreation and Facilities Committee will oversee the operations and management of Council facilities and land.

AIMS & OBJECTIVES:

- a. To oversee the health, safety and building compliant management for all Council buildings responsibility for overseeing the following:
 - i. Risk Assessments and Fire Risk Assessment
 - ii. Pest Protection
 - iii. Music Licence
 - iv. PAT Testing
 - v. Shutter Maintenance
 - vi. CCTV Maintenance
 - vii. Fire Procedures
 - viii. Internal Signage
 - ix. Disabled Access
- b. To oversee the management of the sites owned by the Council and managed by the Council's Clerk and to consider an annual repairs, maintenance, and improvements program.
- c. To oversee the development and implementation of the neighbourhood / parish plan and make recommendations to Full Council as and when required.
- d. To liaise with local police on anti-crime initiatives and partnerships, recommending ways in which the Council can assist in crime prevention.
- e. To consider any maintenance and repair works on footpaths. This should not include pavements on the highway.
- f. To consider for approval external funding bids for Environmental Projects.
- g. To oversee the provision and maintenance of dog waste and litter bins, refuse and litter picking issues under the control and responsibility of the Parish Council.
- h. To oversee matters relating to street cleansing, cleansing of public areas and security under the responsibility of the Parish Council.
- i. To oversee matters relating to the environment, grounds maintenance of open spaces, street scene (including street furniture) and to oversee and manage any service level agreements with Rotherham Metropolitan Borough Council.
- j. To oversee the safety inspections of the play areas and to consider any remedial actions arising from the safety and annual inspection reports.
- k. To consider the future development of all open spaces in the village (with or without play areas).
- l. To oversee the provision of hanging baskets and other floral decorations in the village.
- m. To set up specific working parties for any projects required. Each working party group will report back with recommendations to Full Council or the Committee that formed it. Working parties or groups have no delegated powers.



MEETING ARRANGEMENTS AND FREQUENCY:

Meetings to be held quarterly. A calendar of meetings will be agreed at the Annual Council meeting. Election of the Chair will be the first business of the Committee's initial meeting after the Annual meeting. The Clerk / Deputy Clerk will minute meetings. Meetings will commence at 6.30pm unless otherwise stated on the agenda. Standing Orders on rules of debate and on interests of members in contracts or other matters shall apply.

QUORUM:

A minimum number of 3 Councillors with voting rights are required for decision-making purposes.



5. EVENTS & COMMUNICATIONS COMMITTEE

MEMBERSHIP: A minimum of 5 Councillors (If not elected to the Committee the Chair of the Full Council may attend meetings as ex officio but has no voting rights).

PURPOSE: The Events and Communications Committee will oversee the organisation and running of Council run events and all aspects of promotions and marketing.

AIMS & OBJECTIVES:

- a. To oversee the co-ordination of community events on behalf of the Parish Council and in liaison or partnership with external bodies within agreed budget parameters.
- b. To oversee and direct the promotional and marketing aspects on behalf of the Council, including:
 - i. Noticeboards and external displays
 - ii. Press release in accordance with any relevant policies
 - iii. Social media posts in accordance with relevant policies
 - iv. Parish Council website.
 - v. Publication and distribution of the Parish newsletter, a draft version to be reviewed and approved by Full Council.
- c. To set up specific working parties for any events and projects required. Each working party group will report back with recommendations to Full Council or the Committee that formed it. Working parties or groups have no delegated powers.

MEETING ARRANGEMENTS AND FREQUENCY:

Meetings to be held quarterly. A calendar of meetings will be agreed at the Annual Council meeting. Election of the Chair will be the first business of the Committee's initial meeting after the Annual meeting. The Clerk / Deputy Clerk will minute meetings. Meetings will commence at 6.30pm unless otherwise stated on the agenda. Standing orders on rules of debate and on interests of members in contracts or other matters shall apply.

QUORUM:

A minimum number of 3 Councillors with voting rights are required for decision-making purposes.



6. BRINSWORTH COMMUNITY TRUST

MEMBERSHIP: All 11 Councillors

Brinsworth Community Trust Committee is constituted as a Standing Committee of Brinsworth Parish Council. This standing committee can be dissolved by Full Council at any time.

PURPOSE: It is important that the members of Brinsworth Community Trust are aware of which 'hat' they are wearing when conducting the business of a charitable village hall.

The Charity Commission advises (OG 56 A1):

"The charity needs to be independent of the local authority in the sense that decisions about the administration and operation of the charity need to be taken solely in the interests of the charity, with a view to furthering its charitable purposes, and for no other purpose."

To enable this divide, Brinsworth Community Trust will meet on separate occasions to the Council and with separate agendas and minutes.

Brinsworth Community Trust must act as a corporate body: individual Council members are not themselves charity trustees, it is the Parish Council which is the charity trustee. Individual Council members do not act in a personal capacity as they would if they were a Parish Council appointee to an independent village hall charity • In managing the charity ensure that the interests of Council taxpayers, party political or personal interests do not come into play when taking decisions.

The Terms of Reference for Brinsworth Community Trust and its Committees should be established independently of the Parish Council and its Committees.