



# Saltash Town Council

Policy/Procedure:

Committee Terms of Reference

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07.03.2019	NEW DOCUMENT	539/18/19	Adopted FTC	
<u>June/July 2020</u>	<u>All Committees</u>		<u>All committee review</u>	

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# **Saltash Town Council**

**Konsel An Dre Essa**

**Committee**

**Terms of Reference**

## Introduction

Saltash Town Council has appointed a number of Committees to undertake work for and on behalf of the Council. The specific responsibilities of each Committee are confirmed by Terms of Reference.

This policy sets out the Terms of Reference of each Committee of the Council and confirms the following:

- Membership and number of seats
- Role of the Mayor and Deputy Mayor
- Frequency of meetings
- Remit of the Committee and reporting structure
- Delegated Authority

In the absence of any policy, a Committee of the Council will abide by the criteria established for Full Council as prescribed by the Council's Standing Orders.

These terms of reference apply to Committees and Sub Committees.

Saltash Town Council has the General Power of Competence as a power of first resort. Where the Council becomes ineligible, it will refer to the Powers quoted in these Terms of Reference for the conduct of its business.

### **The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020**

Until 7th May 2021 (unless the legislation is repealed prior to that date) the appendix to Standing Orders adopted at Full Town Council on 14th May 2020 applies to all meetings of Saltash Town Council.

## **General Terms of Reference Applicable to all Committees and Joint Burial Board:**

The Terms of Reference of all Committees and Joint Burial Board are subject to the following principles:

1. That powers be exercised in accordance with any policy adopted or directions given by the Town Council.
2. That powers be subject to the Council's Standing Orders and Financial Regulations.
3. That any unresolved differences between Committees shall be referred to Full Council for determination.
4. That any proposal which involves any change in the existing policies already approved by the Council shall be submitted to the Council for approval.
5. Day to day management of Council matters rests with the Town Clerk.
6. Urgent/emergency matters may be dealt with as they arise by the Town Clerk in consultation with the Chairman of Committee (or in his/her absence the Vice Chairman) and Mayor and reported to the next appropriate Committee or full Council meeting, whichever is first.
7. Committees will bring to the attention of Council any matters being pursued by other local authority/statutory/voluntary or other bodies which have a beneficial or detrimental effect on the area of Saltash.
8. Guest speakers should normally be limited to one per meeting with the permission of the Council and shall not exceed 10 minutes unless directed by the Chairman of the meeting in accordance with Standing Order 6(6.iii.f).
9. Public participation:
  - a. There will be, during each Committee meeting, a quarter of an hour public session with members of the public being able to speak and ask questions concerning the business of the Committee in accordance with the Standing Orders.
  - b. During Planning Committee meetings members of the public who have registered to do so may speak at the discretion of the Chairman and with the approval of members of the Planning Committee.
  - c. The period of time designated for public participation at a meeting in accordance with standing order 2(d) shall not exceed 15 minutes unless directed by the Chairman of the meeting.
  - d. Subject to Standing Order 2(e) above, a member of the public shall not speak for more than 3 minutes.
  - e. There will be no public participation at meetings of the Personnel Committee.

10. Committees will monitor/respond with critical appraisals to minutes, reports, documentation which from time to time are received from Cornwall Council or other bodies which have been brought to the Council's attention by the Town Clerk/individual Councillors or member of the public which may have an adverse or beneficial effect on the area of Saltash.
11. From time to time a Committee may appoint up to two (2) members of the public to serve on a Council Committee or Sub Committee as non-voting members. Appointed members will be required to abide by the Council's Code of Conduct.
12. All members of the Personnel and Planning and Licensing Committee will attend training relevant to the work of the Committee as identified and provided by the Council.

#### **Delegation of Authority to Sub Committees:**

Where a function within the Terms of Reference of a Committee has been further delegated to a Sub Committee that Sub Committee will report its findings and any recommendations back to the appropriate Committee or direct to the Council, as per the remit.

## Policy and Finance Committee (P&F)

Composition:	Sixteen members
Chairmanship:	Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each Council year. The serving Mayor will not be eligible for either of these positions.
Quorum:	Seven members
Meetings:	Bi-Monthly
Timing:	6:30 p.m.
Venue:	Guildhall <u><a href="#">or by a virtual platform under Covid 19 legislation</a></u>
Reports to:	Full Council
Remit:	Policy Administration and Finances of the Town Council and to work within the individual delegated authority budget.

### Terms of Reference & Matters Delegated to the Committee:

1. To consider such matters as may be delegated by the Council from time to time.
2. To review, from time to time, policy objectives within the Committee's Terms of Reference for consideration by the Council.
3. To prepare annual estimates and update a 5-year forecast of income and expenditure of the Council on continuing services and of payments on capital account for the next financial year and to make a recommendation to the Council as to the precept in time for its annual budget meeting each year.
4. To regulate and control the finance of the Council and to have charge of the financial and accounting arrangements of the Council.
5. To consider matters arising from the report of the internal and external auditors and where considered necessary make changes to the Council's system of controls.
6. To receive and approve schedules of payments.
7. **To agree virements between approved budget headings.**
8. To make recommendations to the Council on the use of financial reserves.
9. To make recommendations to the Council on capital expenditure not already provided for in Council's estimates of expenditure for the current financial year.
10. To consider grants to local organisations in accordance with the Council's adopted grants policy.
11. To undertake annually the risk assessment in relation to the Council's insurance cover.

12. To insure against such risks as the Committee deems necessary to cover.
13. To make resolutions to the Council regarding the promotion and expenditure on tourism.
14. To make resolutions to the Council regarding the Crime and Disorder Act 1998, following consultation with the appropriate bodies.
15. To make resolutions to the Council regarding town twinning.
16. To make resolutions to the Council regarding the prosecution or defence of any legal proceedings.
17. To make resolutions to the Council for the use of powers to acquire by agreement, to appropriate, to dispose of land.
18. To make resolutions to the Council for the use of its powers to promote a lottery.
19. To make resolutions to the Council for the use of its powers to accept gifts, including land.
20. To make resolutions to the Council regarding the future provision of civic regalia.
21. To agree the use by any other organisation of the Town Crest.
22. To review the Standing Orders and Financial Regulations on a regular basis and make resolutions to the Council.
23. To make resolutions that the Council regarding the review of existing policy matters.
24. The delegated power to keep all procedures under active review.
25. The delegated power to maintain the Council's eligibility for General Power of Competence.
26. The delegated power to exercise the Town Council's powers to direct as to the custody of parish property and documents.
27. Authorisation of expenditure within the Committee's budget, provided that the payment is made from a budget that is within the limits previously approved by the Council. The Committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the P & F Committee's total budget must be authorised by the Council.
28. The negotiation of tenders which do not fall within the Terms of Reference of any other Committee and the acceptance of tenders and supervision of contracted projects (provided expenditure is within the budgetary provision) with the practical implementation of the contract devolved to the appropriate Committee.
29. All aspects of Health and Safety that fall within the remit of the Committee.
30. Making recommendations to the Council on all matters not within existing policy.

31. Preparation and review of a plan for future requirements within the scope of the Committee regardless of feasibility.
32. Monitoring the physical environment within the Council's area and carrying out improvements within budgetary provision. To recommend to the Council any matters outside this budgetary provision.
33. The consideration of recommendations of sub- Committees, working groups etc under the control of the P & F Committee.
34. Consultation with other relevant bodies with similar interests, including other Town Council Committees and Sub Committees, and consideration of their recommendations.
35. Matters not already delegated to the Town Clerk which relate to the Town Council newsletter, websites, webcam, publicity and press and social media releases.
36. To consider such other matters of a general nature not clearly falling within the Terms of Reference of any other Committee referred either by the Council or the Town Clerk.
37. To draft, negotiate with the lessee/licensee terms and conditions of leases/licences for all Town Council property and land and submit resolution to Council.
38. To consider the renewal of leasing/licensing agreements and make proper resolution to Council if it is not felt appropriate to continue such an agreement.
39. To maintain the register of all Town Council property and ensure and maintain its registered title at the Land Registry.

**Matters not Delegated to the Committee:**

1. The consideration of new and reviews of consultation and policy documents of other bodies and any other consultation documents.
2. Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.



## SERVICES COMMITTEE

Composition:	Sixteen members
Chairmanship:	Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each Council year. The serving Mayor will not be eligible for either of these positions.
Quorum:	Seven members
Meetings:	Bi-monthly
Timing:	6:30 p.m.
Venue:	Guildhall <u>or by a virtual platform under Covid 19 legislation</u>
Reports to:	Full Council
Remit:	<p>The provision, maintenance, management, marketing and service function of all Town Council property, buildings, land and structures and to work within the individual delegated authority budget:</p> <ul style="list-style-type: none"><li>• Property</li><li>• Allotments</li><li>• Open Spaces</li><li>• Cemetery</li><li>• Waterfront</li><li>• Structures</li><li>• Footpaths</li><li>• Grounds Maintenance</li><li>• Public Toilets</li></ul>

### **Terms of Reference & Matters Delegated to the Committee:**

1. To consider such matters as may be delegated by the Council from time to time.
2. Reviewing the level of fees and charges of the Committee's functions and making appropriate recommendations to the P & F Committee.
3. To consider and submit to the P & F Committee for the annual budget estimates of income and expenditure on continuing services and capital expenditure for the forthcoming year and 5-year forecast plan.
4. Authorisation of expenditure within the Committee's budget, provided that the payment is made from a budget that is within the limits previously approved by the Council. The Committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the Committees total budget must be authorised by the P & F Committee.

5. Acceptance of tenders and supervision of contracted projects – provided expenditure is within the budgetary provision and is for areas within the scope of the Committee.
6. All aspects of Health and Safety that fall within the remit of the Committee.
7. Making recommendations to the Council on all matters not within existing policy.
8. Monitoring the physical environment and property within the Council's area and carrying out improvements within budgetary provision. To recommend to the Council any matters outside this budgetary provision.
9. Preparation and review of a plan for future requirements within the scope of the Committee regardless of feasibility.
10. The consideration of recommendations of Sub Committees, working groups etc under the control of the Committee.
11. Consultation with other relevant bodies with similar interests, including other Town Council Committees and Sub Committees, and consideration of their recommendations.
12. The implementation of agency agreements for the delegation of services from Cornwall Council which fall within the remit of the Committee and have been negotiated and agreed by Full Council.
13. To consider such matters as may be delegated by the Council from time to time.
14. To consider the securing and security of all Town Council property and land and make resolutions to the Council.
15. To maintain the exterior and structural fabric of all Council buildings/structures.
16. To review the level of fees and charges of the Committee's functions and making appropriate recommendations to the P & F Committee.
17. To consider and submit to the P & F Committee annual estimates of income and expenditure on continuing services and capital expenditure for the forthcoming year and 5-year forecast.
18. Authorisation of expenditure within the Committee's budget, provided that the payment is made from a budget that is within the limits previously approved by the Council. The Committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the Committee's total budget must be authorised by the P & F Committee.
19. Acceptance of tenders and supervision of contracted projects – provided expenditure is within the budgetary provision and is for areas within the scope of the Committee.
20. All aspects of Health and Safety that fall within the remit of the Committee.
21. Making recommendations to the Council on all matters not within existing policy.

22. Preparation and review of a plan for future requirements within the scope of the Committee regardless of feasibility.

23. Consultation with other relevant bodies with similar interests, including other Local Councils and Cornwall Council.

**Matters not Delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

## Planning and Licensing Committee

Composition:	Sixteen members
Chairmanship:	Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each Council year. The serving Mayor will not be eligible for either of these positions.
Training:	All members of the Committee are to undertake Planning training within 6 months of their appointment subject to course availability.
Quorum:	Seven members
Meetings:	Every Third Tuesday of the month
Timing:	6:30 p.m.
Venue:	Guildhall <u><a href="#">or by a virtual platform under Covid 19 legislation</a></u>
Reporting WP:	Saltash Neighbourhood Plan
Reports to:	Town Council
Remit:	To consider and make responses on behalf of Saltash Town Council for all Planning and Licensing related matters.

### Terms of Reference & Matters Delegated to the Committee:

1. Full delegated authority to make responses on behalf of Saltash Town Council to all applications for licensing or development in and outside the Saltash Town Council area (including Listed Building, Conservation Area consents, consent for advertisement displays etc) received from Cornwall Council.
2. To consider any request for pre-application discussions with any developer and make a response on behalf of the Council in accordance with the Town and Parish Councils in Cornwall Guiding Principles for Pre-Application discussions.
3. To review the Council planning policy and procedure and make resolutions to Council to ensure that the Council is able to meet any additional requirements of the planning process.
4. To respond to consultation documents regarding tree preservation and other matters regarding general land development.
5. To consider all appeals against planning refusal by Cornwall Council within Saltash Town Council area and to submit comments to the Planning Inspectorate.
6. To consider any proposals for new and reviews of the Core Strategy and any other consultation documents of a planning nature and to make resolutions to the Council.

7. During Planning Committee meetings members of the public who have registered to do so may speak at the discretion of the Chairman and with the approval of members of the Planning Committee.
8. The period of time designated for public participation at a meeting in accordance with standing order 2(d) shall not exceed 15 minutes unless directed by the Chairman of the meeting.
9. Consultation with other relevant bodies with similar interests, including other Local Councils and Cornwall Council.

**Matters not Delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy including neighbourhood planning.

## PERSONNEL COMMITTEE

Councillors appointed to the Personnel Committee must be willing to commit to undertake employment law training as soon as they are elected to the Committee. The Town Council recognizes that a stable membership of the Committee is desirable and as such membership of the Committee should be seen as a long-term commitment.

Composition: Six members

**Note:** A member will not be eligible for nomination to the Committee if they have been the subject of an upheld grievance or finding of a breach of the Code of Conduct by or relating to a member of staff during the previous 12 months.

Chairmanship: Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each Council year. The serving Mayor will not be eligible for either of these positions.

~~Public: There will be no public participation at the meetings of the Committee.~~

Public: Due to GDPR, Data Protection, confidentiality and potential referral to Full Council there will be no Member and no public attendance at the meetings of the Committee.

Quorum: Four members

Meetings: Bi-monthly

Time: 6:30 p.m.

Venue: Guildhall or by a virtual platform under Covid 19 legislation

Training: All members of this Committee will undertake employment law training within 6 months provided by the Council subject to course availability.

Reports to: Full Council

Remit: Staff recruitment, grievance, appraisal, sickness, annual leave, maternity & paternity records, training, employment policies, health & safety and welfare matters and to work within the individual delegated authority budget.

### Terms of Reference & Matters Delegated to the Committee:

1. To consider such matters as delegated by Council or any Committee of the Council.
2. The overall performance and welfare of the staff, delegating the day to day line management to the Town Clerk.
3. To receive reports from the Town Clerk in respect of attendance, short- and long-term sickness, return to work interviews, annual leave, maternity leave, paternity leave,

adoption leave, compassionate leave, and flexible leave requirements and with delegated powers to resolve any associated matters.

4. To review and implement all employment policies in consultation with members of staff.
5. To maintain the staffing levels necessary to efficiently discharge the work required by the Council and to review the workloads periodically and report any recommendations for change to the relevant Committee and or Full Council.
6. To oversee the recruitment process of all staff and where required, assist, when required, the Town Clerk in the recruitment of new staff.
7. To undertake the recruitment of the Town Clerk with any associated expenditure and making the appointment.
8. To review job descriptions, person specifications, staff establishment (including promotion, re-grading, redundancies and fixed term contracts) and to approve contracts of employment.
9. To maintain confidentiality over all staffing matters as required under the 2018 General Data Protection Regulations and the 2018 Data Protection Act as well as the Code of Conduct.
10. To deal with all matters relating to staff conduct.
11. Staff Appraisals:
  - a. To ensure that annual appraisals for all staff are carried out, agree and monitor any associated actions and outcomes.
  - b. The annual appraisal of the Town Clerk will be undertaken by the Mayor and Chairman of the Personnel Committee.
  - c. To oversee staff and member development including identify training opportunities and ensure that all training needs are met.
12. To consider and implement any changes which are required to comply with legislation and Terms and Conditions of Service as laid down by the National Joint Council (Green Book) and recommended by the National Association of Local Councils and Society of Local Council Clerks.
13. To receive and consider any complaints made under the Council's Grievance and Disciplinary Procedure referred by the Town Clerk.
14. Where appropriate, appoint a panel to hear complaints made under the Council's Grievance and Disciplinary Procedure and full delegated responsibility to take whatever action necessary. If felt necessary, it has the delegated approval (including financial) to seek outside professional assistance in order to conclude a disciplinary or grievance matter.

15. To prepare and submit to the P & F Committee budget proposals in respect of salaries and training - for all staff.
16. Authorisation of expenditure within the Committee's budget, provided that the payment is made from a budget that is within the limits previously approved by the Council. The Committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the Committee's total budget must be authorised by the P & F Committee.
17. All aspects of Health and Safety that fall within the remit of the Committee.
18. Making resolutions to the Council on all matters not within existing policy.
19. Saltash Town Council recognises the Transfer of Undertakings Protection of Employment regulations 2006 known as TUPE.
20. Saltash Town Council is committed to working with accredited trade unions to promote a good working relationship with its staff.

**Matters not Delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.



## Joint Burial Board (BB)

- Composition: Membership established by separate constitution - Four elected members.
- Chairmanship: Two Co-Chairmen to be elected (one from STC and one from St Stephens Church) from the members of the Joint Burial Board at the first meeting in each Council year.
- Non-members: Any member of the Council is able to attend and may participate at the discretion of the Chairman but may be asked to leave if the press and public are excluded.
- Quorum: Any 3 members for non-financial matters  
3 STC members for financial matters
- Meetings: As required
- Timing: 6:00 p.m.
- Venue: Guildhall or by a virtual platform under Covid 19 legislation
- Reports to: Full Council
- Remit: Maintenance and operation of St Stephen's Cemetery and to work within the individual delegated authority budget.

### Terms of Reference & Matters Delegated to the Committee:

1. The improvement, maintenance and management of the open section of cemetery grounds in St Stephen's Cemetery.
2. To consider such matters as may be delegated by the Council from time to time.
3. Reviewing the level of fees and charges of the Committee's functions and making appropriate recommendations to the P & F Committee.
4. To consider and submit to the P & F Committee annual estimates of income and expenditure on continuing services and capital expenditure for the forthcoming year and 5-year forecast.
5. Authorisation of expenditure within the Committee's budget, provided that the payment is made from a budget that is within the limits of the scheme of delegation or previously approved by the Council. The committee cannot commit or spend from future budgets not confirmed or from future years.
6. The virement of funds within the Committee's total budget must be authorised by the P & F Committee.
7. All aspects of Health and Safety that fall within the remit of the Committee.

8. Making recommendations to the Council on all matters not within existing policy.
9. Preparation and review of a plan for future requirements within the scope of the Committee regardless of feasibility.

**Matters not delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

## Burial Authority (BA)

Composition:	Sixteen members
Chairmanship:	Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each Council year. The serving Mayor will not be eligible for either of these positions.
Quorum:	Seven members
Meetings:	Quarterly
Timing:	6:30 p.m.
Venue:	Guildhall <u>or by a virtual platform under Covid 19 legislation</u>
Reports to:	Full Council
Remit:	Management and operation of Churchtown Cemetery and to work within the individual delegated authority budget.

### Terms of Reference & Matters Delegated to the Committee:

1. The provision and management of a burial and cremated remains service.
2. The improvement, maintenance and management of the grounds in Churchtown Cemetery.
3. To consider such matters as may be delegated by the Council from time to time.
4. Reviewing the level of fees and charges of the Committee's functions and making appropriate recommendations to the P & F Committee.
5. To consider and submit to the P & F Committee annual estimates of income and expenditure on continuing services and capital expenditure for the forthcoming year and 5-year forecast.
6. Authorisation of expenditure within the Committee budget, provided that the payment is made from a budget that is within the limits of the scheme of delegation or previously approved by the Council. The Committee cannot commit or spend from future budgets not confirmed or from future years.
7. The virement of funds within the Committee total budget must be authorised by the P & F Committee.
8. All aspects of Health and Safety that fall within the remit of the Committee.
9. Making recommendations to the Council on all matters not within existing policy.
10. Preparation and review of a plan for future requirements within the scope of the Committee regardless of feasibility.

**Matters not delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.