



April 2017

**Bishop's
Cleeve
Parish
Council**

Committee Structure Policy

**Adopted 6th April 2017
With effect from 7th April 2017**

Aim

- To create a committee structure;
- To encourage an open and transparent process that gives Councillors the opportunity to understand more fully the Committee decision making process of the Council.

Objectives of the policy to include

- The legal framework of Committees;
- Agreed delegation of powers of Committees;
- Agreed frequency of meetings.

Policy

As agreed by Council on 6th April 2017 *(can be reviewed on a 3 monthly basis but must be reviewed annually)*

Council has to have the Power to do something before it can legally do it but does not have to do it unless it is a Duty. Not all powers will be delegated to a Committee as it may not be legal to do so or may not be desirable. Borrowing money, setting the Precept, approving the annual accounts, approving annual salaries, considering an audit report, adopting or revising Standing Orders cannot be done by Committees.

Council may delegate **decision making powers** to Committees or Sub-Committees where considered necessary.

Committees may make recommendations to Full Council.

Sub-Committees and working parties may make recommendations to appointing body.

The Planning, Highways and Environment Committee has delegated authority from Council to **make decisions regarding small planning applications** and report decisions to TBC as the planning authority. The committee will bring to the attention of Full Council all applications of 50 or more dwellings, all applications within Green Belt of 10 or more dwellings, all applications relating to employment or industry if 1000 sq metres or over or ½ hectare or more.

Notice of all **reserved matters applications** will be emailed to all Councillors with hard copies available in the office for scrutiny.

Council delegates to Committees spending approval up to £1000 per item with a monthly cap of £3000.

Council are responsible for agreeing management policies for assets.

All agendas and Minutes are to be sent to all Parish Councillors by e-mail.

After Committee approval, minutes will be noted by Full Council.

Task and finish working parties will make recommendations to the appointing body.

Meeting Schedule

Community to meet at **5.30pm on the 2nd Thursday of the month of May, July, September, November, January and March** monthly with 9 members;

Planning, Highways and Environment to meet **at 7.30pm on the 2nd and 4th Thursday of each month** with 9 members;

Buildings and Grounds to meet **at 7.00pm monthly (except August) on 3rd Thursday of each month** with 9 members;

Finance Committee to meet **quarterly in July, October, January and April** with 9 members;

Personnel Committee **to meet as necessary but at least quarterly in June, September, December and March** with 7members.

Working parties will be organised as and when required by Committees.

Legal Framework from NALC

Generally

A Committee undertakes work for and on behalf of the Council. The specific responsibilities of a Committee are confirmed by its terms of reference.

- A Committee either has functions of the Council that have been formally delegated to it or it advises the Council on matters which relate to the performance of its statutory powers and functions.
- A Council is responsible for the appointment of Committees and their members, including the number of Councillors and their terms of Office.
- A Committee can be formed at any time by the Council but it is generally recommended that the Committee structure is reviewed annually.
- Legal responsibilities for matters that are delegated to Committees remain with the Council. A Complaint which relates to a matter delegated to a Committee is treated as a complaint against the Council.
- A Committee has ongoing responsibilities concerning the performance of the statutory powers and functions of the Council and its related work.
- A Committee should have more than 3 members and the quorum of Committee should be 3.
- There must be 3 clear days of public Notice of Committee meetings and the summons to attend is signed by the Proper Officer and includes an agenda.
- Electronic summons' are allowed if signed by the Proper Officer.
- The public and press are entitled to attend Committee Meetings.
- A decision is made by a majority of those present and voting.
- Committees can be set up or dissolved depending on the current need.
- A group of Councillors working informally together on Council business is not a Committee.
- A group of Councillors and staff working together on Council business is not a Committee.
- Committees can make the Council's decision making process more efficient
- Committees that can harness the special interests, skills and knowledge of its members are especially worthwhile.
- Committees can appoint Sub-Committees or working parties from its members or non-committee members.
- Council can appoint Sub-Committees or working parties for specific projects.

Please refer to the adopted Standing Orders for the procedures of Committees and Sub-Committees.

Chairing a Committee Meeting

The role of the Chairman of a meeting is to:-

- Formally preside at the meeting;
- Ensure that the meeting considers the business before it;
- Keep control of the meeting;
- Maintain order;
- Apply Standing Orders that the meeting is subject to;

The Chairman has the power to exercise a second or casting vote if the votes on a question are tied.

Specific responsibilities of a Chair of a Committee

- To formally open a meeting;
- To consider if there are any procedural obstacles to the meeting proceeding;
- To ensure that the draft minutes of the previous meeting are approved;
- To order debate on motions:
- To decide on points of order;
- To control disorderly or disruptive behaviour;
- To get through the business on the agenda:
- To declare the results of any votes:
- To temporarily suspend or adjourn a meeting if necessary;
- To close a meeting after its business has been concluded.

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Committee Structure

Full Council – 1st Thursday of each month except August

Community Committee

**2nd Thursday
May, July,
September,
November,
January and
March**

5.30pm

Planning, Highways and Environment Committee

**2nd and 4th
Thursday
each month**

7.30pm

Buildings and Grounds Committee

**3rd Thursday
each month
except
August**

7.00 pm

Personnel Committee

**Quarterly, in
June,
September,
December
and March
and as
required**

Finance Committee

**Quarterly, in
July,
November,
January and
April**

Frequently Used Legal Powers

Personnel - within Employment policy and ACAS guidelines	Power
Appointment of staff	LGA 1972 s112
Discipline and grievance policy	LGA 1972 s112
Review employment policy	LGA 1972 s112

Planning and Environment	Power
Notification of Town and Country Planning Applications	Town and County Planning Act 1990 Sch 1 para 8
Footpaths repairs and improvements	Highways Act 1980 ss43 & 50
Footpath lighting	Parish Council Act 1957 s3
Traffic signs	Road Traffic Regulation Act 1984 s72
Highways lighting	Highways Act 1980 s301 Parish Council Act 1957 s3
Neighbourhood plans	Town and County Planning Act 1990 s61 Planning and Compulsory Purchase Act 2004 s38c Localism Act 2011 Sch 9

Finance Committee – within Financial Regulations, Transparency Code and Accountability and Governance Practice	
Parish finance and budgeting	LGA 1972 s111
Financial regulations	LGA 1972 s111
Contact tendering and review	LGA 1972 s11
Borrowing Money	LGA 2003 Sch 1 para 2

Buildings and Grounds	
DUTY to consider the provision of allotments if 6 or more electorate request	Smallholdings and Allotment Act 1908 s23
Power to provide allotments	Smallholdings and Allotment Act 1908 s23
Water courses	Public Health Act 1936 s260
Grass cutting	Highways Act 1980 s301
Street furniture	Parish Council Act 1957 s1
Open spaces	Open Spaces Act 1906; Public Health Act 1875
Litter and dog bins	Litter Act 1983 ss5 & 6
Gates on footpaths (land owned by BCPC)	Highways Act 1980 s146
Bus shelter provision and maintenance	Local Government (Miscellaneous Provisions) Act 1953; s4 Parish Council Act 1957 s1
Memorial plaques	LGA 1972 s137
War memorial repairs	War Memorial (Local Authority) Act 1923 s1; LGA 1948 s133(2)
Ponds and streams	Public Health Act 1936 s260
Closed churchyards, burial grounds and cemeteries	LGA 1972 s215
Commons and common pastures	Commons Act 1899 s5
Provision of parking spaces	Road Traffic Act 1984 ss57-60
Recreational facilities	LGA 1972 s14 Local Government (Miscellaneous Provisions) Act 1976 s19(3)
Parish Property Maintenance	LGA 1894 s8
Hall Hire	LGA 1972 s134
Public buildings and Village Halls	LGA 1972 s133
Community Centres	Local Government (Miscellaneous Provisions) Act 1976 s19, LGA 1972 s133
Conference facilities	LGA 1972 s144
Office Equipment	LGA 1972 s111
Playing fields	Local Government (Miscellaneous Provisions) Act 1976 s19

Community	Power
Armistice Day wreaths	LGA s137
Community bus schemes	Local Government and Rating Act 1997 s27
Luncheon Clubs	LGA 1972 s145
Concessionary taxi fares	Local Government and Rating Act 1997 s28
Youth Provision	Crime and Disorder Act 1998 s17
Promotion of Lotteries	Gambling Act 2005 ss252 & 258
Car sharing schemes	Local Government & Rating Act 1997 s26
Best Kept Village	LGA 1972 s137
Encourage and facilitate tourism	LGA 1972 s144
Subsidies village shops	LGA 1972 s137
Subsidies of post offices	Postal Service Act 2000 s52 LG(FP)A 1963 s.5
Grants to local or national bodies	LGA 1972 s137
Crime Prevention	Local Government & Ratings Act 1997 s31
Support for the Arts	LGA1972 s145
Grants to voluntary organisations providing information (CAB)	LGA 1972 s142
Events in the Village	LGA 1972 s137
Provision of entertainment	LGA 1972 s145
Website	LGA 1972 s142
Newsletters	LGA 1972 s142
Perpetual trophies	LGA 1972 s137
Parish Plans	LGA 1972 s111
Historic documents	LGA 1972 s111

Note

If there is not a specific power, Council can use s137 to benefit the community but not individuals. There is a financial limit on how much s137 can be used in one financial year calculated on number of electors.

If more than two thirds of Councillors are elected and the Clerk has the appropriate qualification, Council can use the General Power of Competency to do anything that an individual can do subject to statutory limitations, restrictions or prohibitions and therefore does not need to rely on specific powers such as those listed above.

Agreed Annual Meeting process

The Committee Policy will be reviewed annually at the April meeting. Councillors will be invited to email the Clerk by the 3rd week in April with their preferences for which Committees they would like to be elected to.

A schedule will be put together as a proposal for adoption by Full Council at the Annual meeting of Council (May).

Where the preferences match the number of places that Committee will be elected on block.

Where a committee is **undersubscribed**, a proposal can be put to Council as an amendment at the meeting to allow additional Councillors to have an opportunity to sit on a Committee. Following the annual meeting, any unfilled spaces will be an agenda item until all vacancies are filled.

Where a committee is **oversubscribed** an election will take place by secret ballot and votes will be counted by an independent person.

Councillors will also be asked to register their preferences for representing the Council on the following outside organisations. Where the outside body permits, the Council may elect an additional representative to act as reserve.

- Cleeve Conservators (3) as a trustee which carries legal responsibilities separate to those of a Parish Councillor
- Tithe Barn (1) as a trustee which carries legal responsibilities separate to those of a Parish Councillor
- Transition Cleeve (1)
- Police Neighbourhood Engagement Group (2)
- Wingmoor Forum (2)
- Grundon Forum (1)
- Cory Forum (1)
- Grundon & Cory Forum (1)
- Rooftop Housing (1)
- Chartered Parish Meetings (1)

Council requests feedback from any meetings that Councillors attend on behalf of the Council.

At the first Committee meeting after the Annual meeting, each Committee will elect a Chair and Vice-Chair.