



Seaton Town Council

Terms of Reference for Committees

Attached to this report are the terms of reference that are currently in place, and which have been reviewed and agreed by each of the named Committees.

As the Estates Committee is ceasing and the work of this Committee is now coming under the Finance and General Purposes it is recommended that a review of the terms of reference is carried out by the Finance and General Purposes Committee to combine the two terms of reference at their first meeting of the new Municipal Year.

Councillors will also recall that at the special meeting of Council on 16th April it was resolved that the terms of reference for the Personnel Committee be discussed at the AGM reflecting on the current terms of reference as well as the proposal put forward by Councillors Rowland and Hartnell.

Allotments Committee – Terms of Reference

Membership

Three members of the Council

Purpose of the Committee

- To make recommendations to the Council on the formulation of any policy or strategy in relation to the discharge of the allotments function;
- To make recommendations to the Council on the resources necessary to discharge the property and allotment functions;
- To discharge all other aspects of the allotments function in accordance with relevant legislation, any policy or strategy relating to the function approved by the Council, and within the budget provision made by the Council.

Conditions:

1. Membership of the Committee to be decided upon its creation and the membership of the Committee to be re-appointed at the Annual Council Meeting in May each year

2. Meetings to be held twice a year and additional meetings can be convened on an as and when needed basis
3. Minutes to be presented to the next available ordinary meeting of Seaton Town Council
4. The Assistant to the Town Clerk will support the Committee
5. The Committee is empowered to invite specialist professional officers or advisors to attend meetings to provide guidance as to matters under discussion.

Restrictions:

1. The quorum shall be two
2. The Town Council's Code of Conduct applies to this committee

Delegated Powers

General

Councillors will be advised by the Town Clerk whether a particular item under discussion is within the Committee's delegated powers. If it is within the delegated powers, the minutes will record the decision as RESOLVED. If not, then the minutes will record the decision as RECOMMENDED and it will then be brought to the attention of the Council for decision.

Specific Delegated Powers:

1. Promote the facilities of the allotments and encourage its use for the benefit of the community
2. Set fees on an annual basis
3. Manage all aspects of allocating allotments including the allocation of allotments to persons living outside the Parish if there is deemed to be insufficient take up by parishioners and after informing parishioners of the situation
4. Have the power to review each application for renewal and refuse such application if to do so would compound or cause the continuation of a breach of the rules
5. Set rules of conduct for all users of the allotments and enforce those rules
6. Set restrictions on the use of the allotments that they consider necessary for the good governance of the allotments
7. Carry out a formal overall Risk Assessment and review the safe operation of the allotments at least annually

8. Be responsible for seeing that all Health and Safety guidance is up to date and that full compliance with all aspects of the Risk Assessment are met
9. Examine all possible sources of funding, including sponsorship and grants
10. Meet with the Allotment holders twice a year

Communities and Open Spaces Committee – Terms of Reference

Membership

Six members of the Council plus the Chairman and Vice-Chairman as ex-officio.

Delegated Powers

General

Councillors will be advised by the Town Clerk whether a particular item under discussion is within the Committee's delegated powers. If it is within the delegated powers, the minutes will record the decision as RESOLVED. If not, then the minutes will record the decision as RECOMMENDED and it will then be brought to the attention of the Council for decision.

Specific Delegated Powers

1. The Committee will have responsibility for all the Parks and Open Spaces for which the Council has responsibility within the Town at the Elizabeth Road play area and open space, the Underfleet play area, Cliff Field Gardens including the Labyrinth and Seaton Down Hill.
2. Its role will include the effective management and maintenance of these resources / operations to the benefit of the Town.
3. The Committee will seek from the Council an annual budget allocation with delegated responsibility for its expenditure in the implementation of the continued upkeep and potential improvement of leisure, recreational and related provision.
4. To identify projects that will involve or provide facilities or activities for people of all ages.
5. To undertake an on-going review of the provision of public parks and open spaces within the Town to ensure that the needs of residents are met as far as possible.
6. The Committee will manage and monitor projects, including those funded by Section 106 agreements.
7. The Committee will oversee the parks and open spaces and the Maintenance contracts governing their operation, via the provision of a monthly report for the

Committee, to include the Annual Safety Inspection and the Annual Grounds Maintenance Contract for those sites listed in paragraph 1.

8. To review monthly reports provided by the Marketing and Events Specialist.

Conditions

1. Membership of the Committee to be decided up its creation and the membership of the Committee to be re-appointed at the Annual Council Meeting in May each year.
2. Meetings to be convened as per the Schedule of Meetings agreed at the Annual Council Meeting in May each year.
3. Minutes to be presented to the next available ordinary meeting of Seaton Town Council.
4. The Assistant to the Town Clerk will support the Committee.
5. The Committee is empowered to invite specialist professional officers or advisors to attend meetings to provide guidance as to matters under discussion.

Estates Committee – Terms of Reference

Membership

Six members of the Council plus the Chairman and Vice-Chairman as ex-officio.

Delegated Powers

General

Councillors will be advised by the Town Clerk whether a particular item under discussion is within the Committee's delegated powers. If it is within the delegated powers, the minutes will record the decision as RESOLVED. If not, then the minutes will record the decision as RECOMMENDED and it will then be brought to the attention of the Council for decision.

Specific Delegated Powers

1. The Committee is responsible for all aspects related to buildings owned by Seaton Town Council and land containing buildings leased to another organisation, including but not exclusively the Martial Arts Centre and Scout Hut. Responsibilities to include:
 - Setting up and ensuring leases are in place and that tenants comply with the terms and conditions of the lease.
 - Marketing available space for rent in Marshlands Centre.

- Ensuring buildings are maintained and fit for purpose for tenants, hirers of rooms and kitchen facilities in Marshlands Centre and for Seaton Town Council employees including health and safety, fire safety precautions and procedures, and legionella checks.
 - Propose an annual budget expense plan to cover all building annual maintenance and running related costs and longer term development / maintenance funds.
2. The Committee shall have delegated power to incur expenditure within the Town Hall and Marshlands approved budgets.
 3. Prepare recommendations for full Council for any critical expense required that has not been budgeted.

Conditions

1. Membership of the Committee to be decided up its creation and the membership of the Committee to be re-appointed at the Annual Council Meeting in May each year.
2. Meetings to be convened as per the Schedule of Meetings agreed at the Annual Council Meeting in May each year.
3. Minutes to be presented to the next available ordinary meeting of Seaton Town Council.
4. The Assistant to the Town Clerk will support the Committee.
5. The Committee is empowered to invite specialist professional officers or advisors to attend meetings to provide guidance as to matters under discussion.

Finance & General Purposes Committee – Terms of Reference

Membership

Six members of the Council plus the Chairman and Vice-Chairman as ex-officio.

Delegated Powers

General

Councillors will be advised by the Town Clerk whether a particular item under discussion is within the Committee's delegated powers. If it is within the delegated powers, the minutes will record the decision as RESOLVED. If not, then the minutes will record the decision as RECOMMENDED and it will then be brought to the attention of the Council for decision.

Specific Delegated Powers

1. Receive and approve details of all payments authorised in the course of the business of the Town Council, including those purchased with the Council's debit card.
2. To monitor income and expenditure each month against the approved budgets for all committees.
3. To consider all matters delegated to them in accordance with the Council's adopted Financial Regulations
4. To consider any matter which does not fall within the remit of any other committee. Where there is a specific budget for this matter the Committee shall have delegated power to authorise expenditure. Where there is no specific budget, the Committee shall make reports to the Council.
5. During the budget year to authorise the transfer of unspent and available amounts to other budget headings or to an earmarked reserve as appropriate.
6. To monitor the Council's activity in accordance with the Council's Financial Regulations
7. To receive and consider each committee's proposals in respect of revenue and capital and sources of funding for the following financial year not later than the end of October each year.
8. To produce detailed estimates of all income and expenditure including the use of reserves and all sources of funding for each year in the form of a budget and present it to Council at its December meeting for Council to approve and set the precept.
9. To review cheque signatories annually at the first meeting of each new financial year.
10. To review the Council's banking arrangements, including the Bank Mandate, annually at the first meeting of each new financial year.
11. To undertake periodic checks on petty cash expenditure and to approve petty cash expenditure at each meeting.
12. To receive details of bank statements and confirm reconciliation at each meeting

Conditions

1. Membership of the Committee to be decided up its creation and the membership of the Committee to be re-appointed at the Annual Council Meeting in May each year.

2. Meetings to be convened as per the Schedule of Meetings agreed at the Annual Council Meeting in May each year.
3. Minutes to be presented to the next available ordinary meeting of Seaton Town Council.
4. The Town Clerk will support the Committee.
5. The Committee is empowered to invite specialist professional officers or advisors to attend meetings to provide guidance as to matters under discussion.

Planning Committee – Terms of Reference

Membership

Nine members of the Council (including the Chairman and Vice Chairman as ex-officios)

Purpose of the Committee

1. To consider and make responses to any planning applications from East Devon District Council as the Local Planning Authority;
2. To consider any applications where Seaton Town Council is the applicant and to make recommendations to Council for approval prior to the submission of the application. This will also apply to any changes to the application or requests for further information
3. To act as a consultee on any planning policy matters raised by East Devon District Council

Conditions:

1. Membership of the Committee to be decided upon its creation and the membership of the Committee to be re-appointed at the Annual Council Meeting in May each year
2. Meetings to be held twice a month and additional extraordinary meetings can be convened on an as and when needed basis
3. Minutes to be presented to the next available ordinary meeting of Seaton Town Council
4. The Assistant to the Town Clerk will support the Committee
5. The Committee is empowered to invite specialist professional officers or advisors to attend meetings to provide guidance as to matters under discussion

Restrictions:

1. The quorum shall be five
2. The Town Council's Code of Conduct applies to this committee
3. The Planning Committee will only consider matters within its scope and will not have delegation to approve courses of action such as writing to the Secretary of State on behalf of the Council. This falls under the remit of Council

Delegated Powers

General

Councillors will be advised by the Town Clerk whether a particular item under discussion is within the Committee's delegated powers. If it is within the delegated powers, the minutes will record the decision as RESOLVED. If not, then the minutes will record the decision as RECOMMENDED and it will then be brought to the attention of the Council for decision.

Specific Delegated Powers:

1. Determination of responses to all Planning Applications
2. Determination of responses in respect of all applications relating to the preservation, felling or other works with respect to trees and tree preservation orders
3. Determination of responses to any appeal against a planning decision by East Devon District Council including the preparation of submissions to be made to an Inspector as appropriate
4. To note any planning decisions made by East Devon District Council
5. To receive a report from the Chairman of any urgent planning items or amendments to planning applications received after formulation of the agenda
6. Responding to any consultation on planning policy.
7. Responding to and taking part in any discussion with regard to the Local Plan from East Devon District Council. However, where the matter relates to the area outside East Devon e.g. the Greater Exeter Partnership this will be considered by Council
8. Comment on street naming and signage when requested
9. To oversee the development and updating of Seaton's Neighbourhood Plan

Personnel Committee – Terms of Reference

Membership

Six members of the Council (including the Chairman or Vice Chairman of the Council)

Purpose of the Committee

- To meet the legislative requirements in respect of employment law;
- To make decisions about staffing matters as delegated by Full Council;
- To ensure that the Council is a “good employer” and has the appropriate policies and procedures in place to support and develop its staff.
- To provide the pastoral care role to staff
- To ensure the health, safety, and wellbeing of staff
- To line manage the Town Clerk

Conditions:

1. Membership of the Committee to be decided upon its creation and the membership of the Committee to be re-appointed at the Annual Council Meeting in May each year
2. Meetings to be convened on an as and when needed basis
3. Meetings will not commence until the decision is taken to exclude the press and public
4. Minutes to be presented to the next available ordinary meeting of Seaton Town Council
5. The Town Clerk will support the Committee
6. The Committee is empowered to invite specialist professional officers or advisors to attend meetings to provide guidance as to matters under discussion

Restrictions:

1. If the Chairman of the Council is on the Personnel Committee then the Deputy Chairman of the Council is not to be a member of the Personnel Committee as they will chair the Appeals Committee, or vice versa.
2. Councillors that are on the Personnel Committee cannot be on the Appeals Panel and vice versa
3. Only members of the Committee may attend meeting for items discussed in Part B of the meeting
4. The quorum shall be three

5. The Town Council's Code of Conduct applies to this committee

Delegated Powers

General

Councillors will be advised by the Town Clerk whether a particular item under discussion is within the Committee's delegated powers. If it is within the delegated powers, the minutes will record the decision as RESOLVED. If not, then the minutes will record the decision as RECOMMENDED and it will then be brought to the attention of the Council for decision.

Specific Delegated Powers:

1. The Committee will consider all matters relating to the appointment, employment, and disciplinary matters of all Town Council staff in accordance with the NALC document "Being a Good Employer".
2. To review staffing structures and levels and make recommendations to Council
3. To review and agree policies for staff including the:
 - staff handbook (including reference to computer use, email, internet and telephone use, absence – holiday, sickness, authorised/unauthorised, TOIL, expenses, retirement, family friendly policies – maternity, paternity, adoption, parental leave, special leave, flexible working, and conduct);
 - Equality Policy;
 - Health and Safety Policy;
 - Data Protection/ Freedom of Information;
 - Bullying and Harassment/ dignity at work policy
 - Disciplinary policy;
 - Grievance policy;
 - Training policy; and
 - Appraisal process.

All policies should be reviewed at least annually.

4. To establish and review salary pay scales for all categories of staff and to be responsible for their administration and review. Undertake an annual review of salary levels for all staff.
5. To oversee the recruitment and appointment of staff (with all appointments being ratified by Council). This will include appointing from its membership a recruitment panel, when necessary. Recruitment panels will normally include the whole panel in the case of the appointment of the Town Clerk and one Member of the Committee plus the Clerk for all other posts (reporting back to the Committee once the interviews have been completed).

6. To establish and review performance management (including annual appraisals as per the appraisals process). The Committee will undertake the appraisal of the Town Clerk and the Town Clerk will appraise all other members of staff. The Town Clerk will raise any areas of concern re staff performance with the Committee.
7. To oversee the Council's Training Policy for all members of staff and Councillors. The Committee will work with the Town Clerk to make recommendation to the Finance and General Purposes Committee as to the level of training budget each year. The Committee will also review the feedback from any training undertaken by Councillors or staff.
8. To oversee the work of the Town Clerk in terms of:
 - Drafting job descriptions and person specifications
 - Producing employment contracts (including a probationary period)
 - Any changes to staff contracts
 - Compiling Job adverts
 - Shortlisting for interviews (unless it is for the position of Town Clerk, in which case the Committee will shortlist)
 - Line management duties
 - Ensuring that statutory responsibilities are met e.g. in respect of Health and Safety, Data Protection, and Information Security.
9. To supervise and performance manage the Town Clerks work, to administer leave and TOIL requests and to record his/her absence if appropriate.
10. To appoint from its membership three members to act as a panel for hearing disciplinary or grievances following the procedure as set out in the Disciplinary Policy and Grievance Policy.

Personnel Committee proposal from Cllrs Rowland and Hartnell

That this council amends the terms of reference for the personnel committee with effect from 8 May 2018 to reflect its role to only deal with matters relating to individual staff members, and to amend terms of reference for full council so that it can make all operational, policy and strategic decisions relating to staffing matters going forward. Following advice from South West Councils we also propose that it is mandatory for all councillors to receive basic employer training as recommended; 'The Council as Employer' (see document).

Terms of reference of personnel to include:

- The personnel committee to comprise 6 Councillors of which 1 would be the Chair of Seaton Town Council who would not necessarily chair the personnel committee.
- To meet quarterly (or as required)
- To carry out shortlisting of job applicants for interview invite, who will conduct interviews via a panel and who will be offered the job (unless the vacancy is for

the Town Clerk position then all other vacancies will involve the Town Clerk in the process)

- 2 members of this committee to carry out the mid-year and end of year appraisal interview of the Town Clerk (1 member to be the chair)
- To handle grievances, issues concerning capability and performance, and discipline.
- To report to full council at the next meeting following the date of a personnel committee meeting to include recommendations to issue job offers.
- That the membership of the Personnel and Appeals Committees swap roles (apart from the Chair of the Council) to ensure that all Councillors have experience of the Personnel Committee during their term of office. The only exception would be if there happens to be an ongoing issue that is not resolved by the AGM of the Council.

Terms of reference for full council to include:

- To take corporate responsibility as a whole council on employment matters
- To consider and act on all legislative issues
- To agree on all policy and procedures that relate to employment (for example health & safety, appraisal policy etc.)
- To be responsible for agreeing and signing off all employment contracts
- To handle pay reviews, to review TOIL and absence records and to pass on any concerns to the personnel committee for action
- To delegate tasks to the personnel committee when necessary and as appropriate