

**LLANTWIT FARDRE COMMUNITY COUNCIL**  
**CYNGOR CYMUNED LLANILLTUD FAERDREF**



**ANNUAL MEETING OF THE COUNCIL**

**22<sup>ND</sup> MAY, 2023**

**REPORT OF THE CLERK AND EXECUTIVE OFFICER**

**1. REVIEW OF DELEGATION ARRANGEMENTS AND TERMS OF REFERENCE OF COMMITTEES**

- 1.1 At the Council Meeting held on the 15<sup>th</sup> December, 2020, delegated powers were given to the Council's standing Committees i.e. Finance & Policy, Leisure & Amenities and Staffing and the Standing Orders were amended accordingly.
- 1.2 In accordance with Standing Orders 5(j) (v and vi) the delegation arrangements to Committees and their Terms of Reference were reviewed at the last Annual Meeting of the Council held on the 16<sup>th</sup> May, 2022 and the following was agreed:-

1. that the Council's Standing Committees continue to be given delegated powers.
2. that no amendments be made to the Terms of Reference of the Committees, Sub-Committees and Complaints Panel.
3. to note that there were no amendments to be made to the Council's Standing Orders with regards to the delegation arrangements and Terms of Reference of Committees.

- 1.3 For ease of reference the Terms of Reference of the Council's standing Committees, Sub-Committees and Complaints Panel are detailed below:-

**1.3.1 Finance & Policy Committee x5 Members**

1. To ensure that all financial transactions are undertaken within the Council's Financial Regulations.
2. To ensure compliance with the Council's financial procedures (Financial Risk Assessment).
3. To consider any consultative documents relating to the Council's financial management.

4. On a bi-annually basis to review the spending for year to date.
5. On an annual basis to review the Council's insurance policy
6. To review the Council's Standing Orders and Financial Regulations, when deemed appropriate as in accordance with the Council's Standing Orders 5(j)(ix) these documents are to be reviewed at the Annual Meeting of the Council.
7. Review charges for halls and allotments and report to Council of any recommendations.
8. To prepare annually a draft budget and consideration of the precept, in line with the priorities of the Council, for presentation to full Council by no later than January of each year.
9. To regularly monitor expenditure in line with the agreed budget plan.
10. To recommend virements between budget categories as needs arise.
11. To consider any financial issues referred by Council or any other Committee or the Clerk.
12. To keep under review the Council's financial policies.

**Note:** The Council is not empowered to delegate certain specific decisions, in particular any decision regarding the following, as these are matters for full Council only:-

- Setting the final budget or the precept.
- Approving accounting statements
- Borrowing
- Writing-Off of bad debts
- Addressing recommendations in any report from the Internal or External Auditors.
- Determining and keeping under regular review the bank mandate for all Council bank accounts.
- Approving any grant or a single commitment in excess of £5,000.

### **1.3.2 Leisure & Amenities Committee x6 Members**

1. To monitor the state of repair of the Council's premises.
2. To ensure compliance with the regulatory framework such as:-
  - Fire Risk Assessment
  - Access Statements
  - Accessibility Strategy
  - PAT Testing compliance
 The above is not an exhaustive list
3. To recommend to Council a programme of planned maintenance/improvements.
4. To monitor performance/manage contracted works approved by the Council.
5. To develop, monitor and review the Council's Health and Safety Policy.
6. To develop, monitor and review the Council's Risk Assessment Policy.
7. To develop, monitor and review the Council's Policy for the use of premises.
8. To monitor and review the Council's Asset Register.

9. To plan/facilitate Community events commensurate with the Council's remit for Community provision.
10. To provide amenities commensurate with the Council's remit.
11. To ensure that any recommendations arising from the annual inspection and risk assessment of the Council's fixed equipped play areas are followed through.

### **1.3.3 Staffing Committee x6 Members**

1. To recruit/appoint staff other than to the post of Clerk & Executive Officer which will be dealt with by the full Council.
2. To monitor and review policies such as Grievance, Sickness & Absence and Disciplinary.
3. To keep under review the need for staff training/development and make provisions for such training/development commensurate with the roles.
4. In accordance with the Local Government and Elections (Wales) Act, 2021, as from 5<sup>th</sup> May, 2022 to consider training for Community Councillors and staff and such training plans to be published by November, 2022 and each subsequent year thereafter.
5. In accordance with the Local Government and Elections (Wales) Act, 2021 should the Council pass a resolution to become an `Eligible Community Council` under the provisions of General Power of Competence which come into force on the 5<sup>th</sup> May, 2022 then ahead of this, the Council must ensure that the Clerk has a relevant professional qualification.
6. To make recommendations on staffing related expenditure to the Finance & Policy Committee or to full Council as deemed appropriate.
7. That the Chair of the Staffing Committee or in his/her absence the Vice-Chair carry out an annual appraisal of the Clerk.
8. To consider any concerns of the Clerk following appraisals of the staff which are to be undertaken on an annual basis.
9. To consider the effects of long-term sickness on the efficient running of the Community Council.
10. To consider future policies to be adopted that are relevant to the Staffing Committee such as Whistleblowing.
11. To review, on an annual basis, the pay of each member of staff in line with the NJC agreement and report to Council.
12. To consider any matters arising from the Disciplinary and Appeals Sub-Committee.
13. To consider any requests for regrading of staff, with the exception of the Clerk which will be determined by Council.
14. To consider any requests for voluntary redundancy/retirement of staff, with the exception of the Clerk which will be determined by Council.

### **1.3.4 Disciplinary Sub-Committee x3 Members**

This Sub-Committee will sit under the umbrella of the Staffing Committee.

To discharge on behalf of the Council the following function:-

- To hear and determine grievances and disciplinary in accordance with the policies and procedures as adopted by the Staffing Committee on the 21<sup>st</sup> January, 2021 in respect of staff.

### **1.3.5 Appeals Sub-Committee x3 Members**

This Sub-Committee will sit under the umbrella of the Staffing Committee.

To discharge on behalf of the Council the following functions:-

- To hear and determine dismissal appeals in respect of staff.
- To hear any other appeal against a decision made by the Council or the Staffing Committee e.g. regrading.

**Note:** Substitute Members could be appointed on a temporary basis, to sit on the Disciplinary Sub-Committee or the Appeals Sub-Committee, due to a potential conflict of interest by the appointed Member(s).

### **1.3.6 Complaints Panel (Model Local Resolution) x5 Members**

To discharge on behalf of the Council the following functions:-

- To hear and determine, low level complaints against Members in accordance with the Protocol as adopted by Council on the 26<sup>th</sup> November, 2019.
- To report to the next available Council Meeting, for information, the outcome of any such Hearing.

## **1.4 Council**

It is always open to the Council to take decisions on any matter falling within the delegated powers of any of its standing Committees.

## **1.5 Powers Delegated to the Clerk & Executive Officer**

All operational and management requirements arising from the Terms of Reference of the Council's standing Committees, Sub-Committees and the Complaints Panel in addition to the statutory and non-statutory functions/responsibilities of the Council as a whole.

## **2. RECOMMENDATIONS**

- 2.1 To determine whether or not meetings of the Standing Committees continue to be given delegated powers;
- 2.2 That in accordance with Standing Order 5(j)(v and vi) to consider whether or not to make any changes to the Terms of Reference of the Committees/Sub-Committees/Complaints Panel as set out in paragraph 1.3 of the report;

- 2.3 That the Council's Standing Orders be amended to include any changes, as deemed appropriate;

