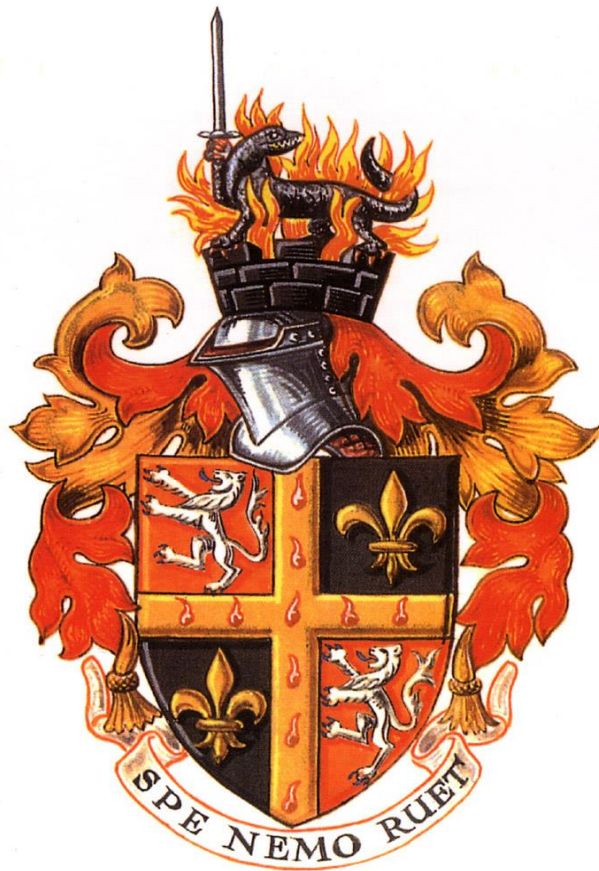


SPENNYMOOR TOWN COUNCIL



POWERS AND DUTIES OF COMMITTEES

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In accordance with the Freedom of Information Act 2000, this document will be posted on the Council's Website www.spennymoor-tc.gov.uk and copies of this document will be available for inspection on deposit in the Council Offices, Town Hall, Spennymoor. Costs are as per the model publication scheme.

1. Terms of Reference Policy and Resources Committee

The Committee shall be comprised of all Members of the Council.

1. Policies

- a) To ensure that the Council's strategies, policies and procedures are undertaken in accordance with all statutory and legislative requirements
- b) To keep under review the policies and resources of the Council in relation to all services and to advise the Council on the future development of existing or the introduction of new services
- c) To make recommendations to the Council on matters which, notwithstanding that they fall within the powers and duties of one or more committee, are concerned with new or unformulated policy or the utilisation of resources related to a policy.
- d) To consider and report to the Council upon all resolutions relating to parliamentary matters and those resolutions passed by local authorities and bodies forwarded to the Council for consideration save where these are specifically assigned to other Committees.
- e) To establish and foster civic relationships with such bodies or organisations as the Council may authorise.

2. Corporate

- a) To deal with all electoral matters affecting the Council
- b) To deal with all matters relating to the wards and boundaries of the Town Council and representation nationally, at County level and locally to the powers, duties, responsibilities and organisation of local government generally.

- c) To consider and make recommendations to the Council on any policy documents received from other organisations and affecting the area.
- d) To make recommendations to the Council where appropriate in regard to targets that properly fall within the remit of this Committee and to monitor performance against those targets reported from time to time as directed by the Council.

3. Administration

- a) To maintain a continuous general oversight of the Council's administration and establishment.
- b) To deal with matters relating to the administration of the Council's offices.
- c) To deal with matters associated with the Town Crest.

4. Resources

- a) The Management of the Council's establishment as regards the appointment and dismissal of staff, terms and conditions of employment, and the overall management of the Council's employees, including the terms and conditions of their employment.
- b) To determine the letting of the Town Hall Shops.
- c) To determine the hire and catering arrangements for the Town Hall Facilities and Parks.

5. Finance

- a) To make recommendations to the Council on the annual financial estimates and the Council's precept as to how these should be determined consistently with the Council's general priorities and principles. To determine the hire and catering arrangements for the Town Hall Facilities.

- b) To formulate and present to the Council recommendations for annual expenditure.
- c) To supervise the Council's accounts and regularly monitor budget performance.
- d) To supervise and control borrowing by the Council and the investment of funds within the Council's control.
- e) To make recommendations to the Council on the capital programme its content, phasing and monitoring.
- f) To execute and carry out, in the name of the Council, all resolutions and instructions from time to time given with reference to finance and accounts.
- g) To oversee the management of the Town Mayor's Charity Account in accordance with all relevant Charity Commission rules, legislation, guidance and recognised good practice.
- h) To have the direction and control of insurance in respect of the Council's property, Members and Employees.
- i) To determine the making to individuals and organisations of all grants, allowances and loans.
- j) To ensure that the Council's resources are safeguarded and that value for money is secured.
- k) To regularly review the Council's banking and Treasury management arrangements.
- l) To authorise the payment of accounts.

6. Planning Matters and Town Entertainment

- a) To advise the Council on all matters of policy associated with the formulation of the County Durham Plan relating to the area of Spennymoor Parish.
- b) To exercise the functions of a Town Council in relation to all major Planning applications consulted upon within the Parish of Spennymoor or its immediate environs. In this regard the question of determining 'major' will be determined on the size of the development and its impact on the wider community.
- c) To receive regular reports on new business ventures and failures within Spennymoor Town Centre.
- d) To receive regular reports on all licensing matters within Spennymoor Town Centre.
- e) To consider and develop plans in partnership with all stakeholders, whether public bodies, limited companies, partnerships, unincorporated associations charitable bodies or private individuals with a view to securing the economic regeneration and sustainable development of Spennymoor Parish.

Quoracy

8 Members

2. Terms of Reference

Facilities and Recreation Committee

The Committee shall be comprised of all Members of the Council.

1. The provision and management of:

- a) The Town Hall (as a function venue)
- b) Community Centres and Village Halls
- c) The Bob Abley Gallery
- d) The Durham Mining Museum (in terms of its interface with Spennymoor Town Council as Landlord)
- e) Public Conveniences
- f) Garages and Garage Sites
- g) The Management of the Affairs of the Council on all matters relating to Civic Ceremony, Civic Events and Events including but not limited to:
 - i) Firework Display
 - ii) Christmas Lights
 - iii) Santa's Grotto
 - iv) Horticultural Show and Family Fun Day
 - v) Armed Forces Day
 - vi) Remembrance Sunday Service and Parade
- h) Spennymoor Annual Gala (in terms only of its interface with the Spennymoor Gala and Aged persons Treat fund committee)
- i) Durham Miner's Gala (in terms only of its interface with the Spennymoor Heritage Banner March)
- j) Allotments
- k) Jubilee Park
- l) Public Open Spaces (including Village Greens and Cow Plantation Nature Reserve)
- m) Cemeteries, Burial Grounds and Memorial Gardens
- n) Recreation Grounds
- o) Play Areas
- p) Sports Facilities
- q) Public Seating
- r) Bus Shelters
- s) Litter Bins

Quoracy
8 Members

3. Terms of Reference Special Committee

The Committee shall be comprised of ten Members of the Council appointed at the Annual Meeting of the Council.

1. To consider and make recommendations to Council on all appointments to positions within the Council, above the spinal column point 37.
2. Any three Members of the Committee acting as a panel may:
 - a. Conduct Internal Reviews on Freedom of Information requests where:
 - i. The request was initially handled by the Town Clerk, or;
 - ii. The Town Clerk is unavailable to conduct the internal review within the timescale outlined in the Council's Freedom of Information Policy.
 - b. Determine all those matters relating to Grievance or Disciplinary matters in those circumstances where the Town Clerk is, by virtue of interest or pre-disposition, unable to act.
3. To conduct any other extraordinary business as determined and delegated by full Council.

Quoracy
4 Members

4. Terms of Reference Appeals Committee

The Committee shall be comprised of eight Members of the Council.

To consider those matters referred to it for final determination in accordance with the Council's published complaints procedure, (i.e. those Complaints already considered and determined by the Town Clerk, when the complainant remains dissatisfied and wishes to appeal).

Any three Members of the Committee acting as a Panel may determine all Appeals relating to Grievance and Disciplinary matters.

Procedure for Appeals

Procedure to be Followed at A Local Hearing of Appeals

- 1 The Council's Appeals Committee shall be the body which hears and determines relevant appeals arising out of the Council's disciplinary procedures. The Committee's decision shall be final insofar as the Council's internal processes are concerned.
 - (i) All appeals must be made by in writing, to the Town Clerk (or Deputy Town Clerk if the appeal concerns the Town Clerk), outlining the reasons for this, within 10 working days of the date on which the decision is confirmed in writing.
 - (ii) The Appeals Committee shall have jurisdiction to deal with appeals on one or more of the following grounds only:
 - that the employee was not guilty of the conduct alleged against him/her;
 - that the disciplinary action by way of formal action was unreasonable in the circumstances;
 - that the manner in which the employee was treated was procedurally unfair.

- (iii) Evidence relating to any aspect of the employee's employment other than, that which relates solely to the above-mentioned grounds shall be inadmissible during the hearing before the Appeals Committee.
 - (iv) The Appeals Committee shall not accept jurisdiction to determine appeals relating to the following:-
 - legal points or interpretation;
 - matters relating to the propriety of established procedural rules previously agreed with the relevant Union;
 - any grievances or other disciplinary actions other than those currently appearing on the personnel record of the employee.
2. The employee shall be given notice in writing at least 14 days in advance of the time and place of the hearing and shall be allowed to be represented by his trade union representative or some other person(s) of his/her choice and subject to paragraph 3 shall be entitled to call witnesses and produce documents relevant to his case at the hearing.
 3. Each party shall not less than seven days before the date fixed for the hearing, disclose to the other the written statements of witnesses intended to be called at the hearing: no person shall give evidence at the hearing unless that person's written statement has been so disclosed.
 4. The Local Authority's representative shall put the case in the presence of the appellant and his/'her representative and may call witnesses.
 5. The appellant (or his/her representative(s)) shall have the opportunity to ask questions of the Council's representative(s) on the evidence called by him/her and any witnesses whom he/she may call.
 6. Members of the Appeals Committee may ask questions of the Council's representative and witnesses.
 7. The appellant (or his/her representative(s)) shall put his/her case in the presence of the Council's representative and to call such witnesses as he/she wishes.
 8. The Council's representative(s) shall have the opportunity to ask questions of the appellant and his/her witnesses.
 9. Members of the Appeals Committee may ask questions of the appellant and his/her witnesses.
 10. The Council's representative(s) and the appellant (or his/her representative(s)) shall have an opportunity to sum up their case if they so wish. The appellant shall have the right of final reply.

11. The Council's representative(s) and the appellant and his/her representative(s) and witnesses shall withdraw.
12. The Appeals Committee, with the officer appointed as its Secretary, shall deliberate in private, only recalling the Council's representative(s) and the appellant and his/her representative(s) to clear points of uncertainty on evidence given. If recall is necessary, both parties are to return, notwithstanding only one is concerned with the point giving rise to doubt.
13. The Appeals Committee shall, wherever possible, announce its decision to the parties personally. If, for whatever reason, this is not possible, the Chair of the Appeals Committee will write to all parties within 5 working days of the conclusion of the hearing. In any event the result of the Appeals Committee will be followed up in writing.

Quoracy

3 Members

5. Terms of Reference Audit Committee

The Committee shall be comprised of 10 Members of the Council.

The purpose of the Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

The Council's Audit Committee can achieve the above by adopting the following terms of reference based upon the CIPFA guidance:

The Audit Committee will:

- Consider the effectiveness of the Council's risk management arrangements, the internal control environment and associated anti-fraud and anti-corruption arrangements;
- Seek assurances, and satisfy itself, that action is being taken on risk-related issues or weaknesses identified by auditors;
- Satisfy itself that the Council's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it;
- Consider the internal auditor's annual report and opinion on the effectiveness of the internal control environment;
- Review the system of internal audit;
- Approve the Council's internal audit strategy and audit plan, and monitor its performance;
- Review reports on internal audit activity and the main issues arising, and seek assurances that action has been taken where necessary;
- Consider the reports of the external auditor and in particular review the Annual Management Letter;
- To review any issue referred to it by the Town Clerk, the Internal Auditor or the Consultant Accountant;
- To review any issue referred to it by the Town Clerk, the Consultant Accountant and the Facilities Manager resulting from a matter raised by any other member of staff;
- Review the scope and depth of external audit work and ensure that they provide value for money;

- Raise the profile of audit, risk management and the internal control environment;
- Ensure that there are effective relationships between external and internal audit; and,
- Review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by internal and external audit.

Quoracy

4 Members

6. Terms of Reference Health and Safety Working Party

1. Objective

- 1.1 The Health and Safety Working Party has been established under the Safety Representatives and Safety Committees Regulations (S1 1977 No 500) and the Health and Safety Consultation with Employees Regulations.
- 1.2 The object of the Health and Safety Working Party is to promote and keep under review the health, safety and welfare of all employees of Spennymoor Town Council. In accordance with the Health and Safety at Work Act 1974 and all other legislative duties placed upon the Town Council as an employer to ensure the health, safety and wellbeing of Town Council employees.

2. Functions

- 2.1 The functions of the Health and Safety Working Party shall be:
 - a) To promote co-operation between employers and employees in investigating, developing and carrying out measures to ensure the health and safety at work of the employees;
 - b) The study of accident and notifiable diseases statistics and trends for staff, so that reports can be made to management on unsafe and unhealthy conditions and practices, together with recommendations for corrective action;
 - c) Examination of safety audit reports concerning Spennymoor Town Council employees on a similar basis, so that reports can be made to Management on unsafe and unhealthy conditions and practices, together with recommendations for corrective action;
 - d) Consideration of reports and factual information provided by inspectors of the enforcing authority appointed under the Health

and Safety at Work Act while these have a bearing for correction action;

- e) Consideration of reports which safety representatives may wish to submit for Spennymoor Town Council staff;
- f) Assistance in development of safety rules and systems of work;
- g) An overview of the effectiveness of the safety content of employee training; and,
- h) An overview on the adequacy of Safety and Health communication and publicity in the Spennymoor Town Council workplace.

3. Constitution

3.1 The Health and Safety Working Party shall comprise the following:

- 8 elected Member with full voting rights (appointed annually)
- 3 members of Management (namely by position Town Clerk, Facilities Manager and Grounds and Estates Officer)
- Safety Representatives with full voting rights covering the following areas:
 - Town Hall staff 1
 - Workforce 1
- Other external stakeholders with no voting rights covering the following areas:
 - Union representatives: 1 x GMB: 1 x Unison
 - DCC Health and Safety Officer

3.2 If a member of the Health and Safety Working Party ceases to be an elected Member or an employee of Spennymoor Town Council, they shall thereupon cease to be a member of the Safety Committee and the vacancy shall be filled either by the Town Council in respect of an elected Member or a suitable substitute should be appointed for the appropriate area.

3.3 A Safety Representative will normally be required to have at least two years continuous services with Spennymoor Town Council and be at least 18 years of age. The Town Clerk may raise with the respective

Trade Union or Line Manager the appointment of a particular Safety Representative who in their opinion would prejudice the smooth working of the Agreements between the Council and the Trade Union or the Council's operation. Any dispute which cannot be resolved over the suitability of a representative will be referred to the Council's Appeals Panel who will hear all interested parties and then rule on the suitability of the representative. In all cases the decision of the Council's Appeals Panel should be final.

- 3.4 In carrying out their functions, Safety Representatives will act in accordance with the terms of all Agreements between Spennymoor Town Council and the Trade unions and in accordance with all the rules and regulations of Spennymoor Town Council and, if a member of a Trade Union, the relevant Trade union.
- 3.5 Representatives to the Health and Safety Working Party will at all times foster and further good relations between Spennymoor Town Council, its employees and the Trade Unions.
- 3.6 Spennymoor Town Council will support the efforts of the Trade Unions in providing suitable safety training for their Safety Representatives to enable them to understand fully and undertake properly their functions.
- 3.7 Safety Representatives should liaise with their immediate supervisors when undertaking their duties (this may be done via the telephone). Employees should also liaise with their immediate supervisor before consulting Safety Representatives on relevant matters.
- 3.8 A Safety Representative will normally only act for the group of employees for which they have been elected. If the Safety Representative for a particular group of employees is absent for whatever reason, then another Safety Representative may represent that particular group of employees in addition to their own group.
- 3.9 The functions of a Safety Representative are as follows:
 - a) To investigate potential hazards and dangerous occurrences at the workplace (whether or not they are drawn to their attention by the employees they represent) and to examine the causes of accidents at the workplace, in conjunction with the Safety Officer;

- b) To investigate complaints by any employee they represent relating to that employee's health, safety or welfare at work, in conjunction with the Safety Officer;
- c) To make representations to the employer on matters arising out of sub-paragraphs (a) and (b) above, in conjunction with the Safety Officer;
- d) To make representation to the employer on general matters affecting the health, safety or welfare at work of the employees at the workplace;
- e) To carry out inspections in accordance with the Regulations;
- f) To represent the employees they are appointed to represent in consultation at the workplace with the inspectors of the Health and Safety Executive and of any other enforcing authority;
- g) To receive information from inspectors in accordance with Section 28(8) of the 1974 Act; and,
- h) To attend meetings of the Health and Safety Working party in their capacity as a Safety Representative in connection with any of the above functions.

4. Chairman

- 4.1 A Chairman and a Vice Chairman shall be appointed by the Health and Safety Working party at their first meeting in each year. If the Chairman appointed is a Member, the Vice Chairman may be appointed from the employee side and vice versa.

5. Secretary to the Safety Committee

- 5.1 The Agenda will be prepared, and the Minutes of the meeting will be recorded by a member of the Town Clerk's department.

6. Co-Opted Members

- 6.1 Either side of the Health and Safety Working party shall have the right to co-opt in a consultative capacity, representatives of the section of Spennymoor Town Council affected by the question under discussion and not directly represented on the Committee. The additional representation shall be made only for the period during which the question affecting the particular section of Spennymoor Town Council is before the Health and Safety Committee.
- 6.2 It shall be open for Safety Representatives to arrange for the attendance in an advisory capacity of any Trade Union official at the meeting of the Health and Safety Working Party while business particularly affecting the said Union is under discussion. If Safety Representatives propose to take advantage of these clauses they shall notify the Safety Officer or the Management Team Representative (or substitute) beforehand.

7. Rules and Regulations

- 7.1 The Health and Safety Working party shall meet quarterly. The Chairman or Vice Chairman, in absence of the Chairman, may direct the Committee to call a meeting at any time. In addition, a meeting shall be called within seven days of the receipt of a requisition signed by not less than one half of the members of the Committee. The matters to be discussed at any meeting of the Health and Safety Working party shall be stated upon the notice summoning the meeting. Any Other Business will be considered as appropriate.
- 7.2 The quorum of the Health and Safety Working Party shall be 6 representatives, two of which must be elected Members.
- 7.3 Whilst the Health and Safety Working party is an advisory body without any budget in its own right, nevertheless, when any particular course of action is agreed by Management, it should be implemented by Management, subject to Financial Regulations.
- 7.4 The Minutes of the Committee will be made available to all Members and Safety Representatives, and the recommendations of any meeting

of the Health and Safety Working Party shall be reported to the Finance and General Purposes Committee as an Agenda item.

7.5 Decisions will usually be reached by consensus, however, if necessary, voting will be on a show of hands.

Quoracy

3 Members – which must include at least 2 elected Members.

7. Terms of Reference

Human Resources Support Panel

The Committee shall be comprised of five Members of the Council who will undertake appropriate training.

1. Town Clerk

- a) To consider, set and agree objectives for the Town Clerk on a bi-annual basis.
- b) To consider and agree a development plan for the Town Clerk once per annum.
- c) To meet at a minimum of every three months to assess the Town Clerk's progress against the objectives set and agreed and the development plan.
- d) To undertake an annual appraisal of the Town Clerk's performance.

2. Training and Development

- a) To review training records and plans for Members and Officers, as prepared by the Town Clerk, at least annually.

3. Performance Management

- a) The Town Clerk is responsible for developing a Performance Appraisal and Development process for all staff.
- b) To conduct a bi-annual review of the Performance Appraisal and Development process, as developed by the Town Clerk, to ensure that the process is being followed.

Quoracy
3 Members

8. Terms of Reference

Civic Initiatives and Honours Sub-Committee

The Committee shall be comprised of 6 Members.

1. To review nominations made to the Council for awards in accordance with the Civic Awards Policy on an ad-hoc basis.
2. To discuss and agree the civic Calendar and provide support for the Town Mayor in the organisation of civic events and fundraisers in aid of the Town Mayor's Charity Appeal.

Quoracy
3 Members

9. Terms of Reference ICT Working Party

The Committee shall comprise of 8 Members.

To consider matters relating to information and communications technology including:

Development, review and update of the Council Website; and,

Development, review and update of ICT equipment and associated support contracts.

Quoracy
3 Members

10. Terms of Reference Cow Plantation Management Committee

This Committee shall consist of nine Members.

1. The purpose of this Management Committee shall be to oversee the implantation of the Cow Plantation Management Plan as prepared by Durham County Council's (DCC) Ecology Officer and agreed by Council.
2. The Management Committee shall meet on at least a bi-monthly basis.
3. It shall receive reports from the DCC Ecology Officer, Grounds and Estates Officer and others.
4. Progress will be reported to the Council on a quarterly basis.
5. To ensure that all work is in line with the budget agreed by the Council.
6. To ensure any additional proposed works outside of the plan are agreed by Council.

Quoracy

3 Members

11. Terms of Reference

Constitution Working Group

This Committee shall consist of 7 Members.

1. The function of the Constitution Working Group shall be to:
 - a) ensure that the Council Constitution is current in terms of legislation, policies and processes;
 - b) monitor that proposed reviews are undertaken as and when planned; and,
 - c) agree any proposed changes to the Constitution prior to submission to Council for ratification.

Quoracy
3 Members