

Constitution and Committee Terms of Reference

24th May 2021

1. INTRODUCTION

- 1.1 Local councils are not required by law to adopt a constitution. However, many councils recognise that it is a valuable document which helps everyone understand how they are set up, how they make decisions, how they are financed, how they are governed, the roles of members and officers and what services they provide to the community.

- 1.2 Stanley Town Council has decided to adopt a Constitution for the reasons outlined above. It is a living document, which is regularly reviewed and confirmed at each Annual General Meeting. It contains details of who or what body, within the council, can make various decisions. It contains procedural rules which apply to the conduct of meetings of the Full Council and its Committees (Standing Orders). It also contains guidance to ensure the sound management of the council's financial affairs and rules that apply to the letting of contracts for the ordering of goods, works and services (Financial Regulations; Standing Orders Relating to Contracts). In addition, it includes a number of other policies and procedures which assist in the efficient management of the council.

2. BACKGROUND - GENERAL

- 2.1 In County Durham there is only one principal authority, Durham County Council, which is responsible for all major services, including Education, Housing, Social Services, Highways, Planning, Refuse Collection etc. The council was created on 1 April 2009 following the abolition of seven existing district councils. Full details of county council services are provided on their website.

- 2.2 In addition to the county council, there are over 150 parish and town councils, which are the first tier of local government. Like all councils, they are created by statute and may provide a range of services primarily aimed at improving amenity in the areas they serve. However, the Localism Act 2011 introduced a general power of competence for certain qualifying councils. There are very few

legal duties on local councils but they have a wide range of powers, and details are provided in Appendix 1.

3. HOW THE COUNCIL IS FUNDED

3.1 How the town council is funded.

Local councils are funded primarily from council tax contributions made by local residents. They also at present receive a grant from Durham County Council under the local council tax reduction scheme (which was implemented when council tax benefit was abolished in 2012 to make up the shortfall in revenue). The size of the grant from Durham County Council is reducing over time and must be expected to disappear completely in the future. The town council receives no contributions from Business Rates.

3.2 The Parish Precept.

The name given to the council tax which is collected for the town council is the 'precept'. The town council calculates its budgetary requirement in January each year and issues a 'demand' (this is a legal term, it is not an actual demand) to the county council to collect the required amount of council tax from residents to raise the required budget.

3.3 How is the precept calculated?

In December each year, the county council advises each town and parish council what their 'tax base' is. The tax base is a figure that is calculated by taking the total number of properties in the area which are liable to pay council tax and converting them to a number of 'Band D' equivalents. This is done using a formula which expresses each band in ninths. For example, a Band A property is 6/9 of a Band D, a 'Band D' property is 9/9 and a band H property is 18/9. The total budget requirement of the town council is then divided by the tax base to give the cost per 'Band D' property.

- 3.4 The Civic Hall generates income in the form of hire charges, ticket, merchandising and bar sales arising from bookings at the hall.

4. THE COUNCIL

- 4.1 The council comprises twenty Councillors who are elected in May every four years by the electors of the town council area. Councillors have an over-riding duty to the whole community but have a special duty to the residents of the Ward that they represent.

4.2 The council area is made up of seven Wards, each electing a number of Councillors as follows:

Annfield Plain Ward	3 Councillors
Catchgate Ward	2 Councillors
Craghead & South Stanley Ward	2 Councillors
Havannah Ward	3 Councillors
Stanley Hall Ward	4 Councillors
South Moor Ward	3 Councillors
Tanfield Ward	3 Councillors

4.3 The council is committed to making a positive difference to the local community that it represents. It aims to be a modern, forward-thinking, and effective local decision maker, and acts as a focus - a "sounding board" - for local opinion providing a way to get things done which best suits the needs of the local community. It does this by recognising it cannot do everything itself and works with other agencies (such as the Police), local voluntary organisations and other tiers of government with the aim of improving local services and amenities. This may include the Council providing services and taking a stake in land/or property assets.

4.4 Only the Full Council has authority to make decisions on behalf of the residents of Stanley. It can, however, delegate some decisions to Committees, Sub-Committees and the "Proper Officer" (the Town Clerk) to enable it to operate more effectively.

5. HOW THE COUNCIL OPERATES

5.1 Under Schedule 12, Part II of the Local Government Act 1972 the council must hold an Annual Meeting, an elector's meeting and at least three other meetings in any year. A Chairperson (who in Stanley is known as the Town Mayor) of the council must be elected at each Annual Meeting and serves for a period of one year until the next Annual Meeting. The Town Mayor, if present, must preside at all meetings of the Full Council or, in his/her absence, the Deputy Town Mayor will preside.

5.2 The council itself can make all the policy and other decisions within the powers given to local councils by statute. However, under Section 101 (1) Of the Local Government Act 1972, it can also establish Committees and Sub- Committees to make decisions on issues specifically delegated by the Council, or only to make recommendations on these issues, or a combination of both. Chairs of any Committee established are also elected at the Annual General Meeting, although the Chair of any Sub-Committee or Working Group is elected by that particular body.

- 5.3 The following matters cannot be delegated to a Committee, Sub-Committee or Officer of the council.
- The borrowing of money.
 - The setting of a precept.
 - The disposal of land, other than lettings for two years or less.
 - The introduction of a new major policy or a material change in the Council's established policy.
 - The making of bye-laws.
 - The purchase of land not provided for, or at a cost in excess of a sum previously allowed for.
- 5.4 Stanley Town Council has one standing Committee that makes recommendations to Full Council, regarding policies and services. Details of the ~~scope~~ of delegation are given in **Appendix 2** below. The current Committee is called the Finance & General Purposes Committee.
- 5.5 The town council is a statutory consultee on Planning Matters. Any Planning matters which two or more members wish to be discussed by the Council can be dealt with by the Full Council or the Finance & General Purposes Committee.
- 5.6 The Council, or its Committees, may appoint sub-committees or working groups to consider issues delegated to them by the parent committee.
- 5.7 The Council meets on the 4th Tuesday of every month (excluding August and December) and its Committees meet in accordance with the agreed Schedule of Meetings. Meetings are open to the public and press, although there may be occasions when matters need to be discussed in private and the press and public will be excluded.
- 5.8 The Council is required by law to appoint a "Proper Officer" and a "Responsible Finance Officer". It has the power to appoint any additional staff required to deliver its programme. Stanley Town Council employs a Town Clerk who fulfils the role of Proper Officer, whilst the Finance Officer fulfils the role of the Responsible Financial Officer. A Deputy Town Clerk is also employed to ensure continuity on occasion when the Town Clerk is unavailable.
- 5.9 Officers are employed to deliver the Council's services in line with the policies and direction determined by the Members at meetings of the Council and its Committees. They advise Members on policy issues and the statutory requirements the Council must meet. In addition, the Town Clerk, as Proper Officer, is by law required to undertake certain functions, both administratively and financially, detailed in **Appendix 4**.

6. ROLE OF MEMBERS AND OFFICERS

- 6.1 To ensure good governance and the effective running of the Council it is important to understand the respective roles of Members and officers. They are both servants of the public, and they are indispensable to one another, but their responsibilities are distinct.

6.2 Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council as a corporate body. Their role is to give advice to both individual Members and to the Full Council, and to carry out the Council's work under the direction and control of the Council and its relevant Committees. It is also the role of the Proper Officer to ensure the Council does not do anything which it does not have the legal power to do.

6.3 Mutual trust and respect between Members and officers is essential.

Members

6.4 Elected members have four main areas of responsibility:

- (i) To determine Council policy and provide community leadership;
- (ii) To monitor and review Council performance in delivering services;
- (iii) To represent the Council externally; and
- (iv) To act as advocates for their constituents.

6.5 In more detail, a Member should be concerned with most or all of the following:

- (i) To be involved actively and constructively in the governance of the Town;
- (ii) To participate fully in the formation and scrutiny of the Town Council's strategies, policies, budgets and service delivery, including the Medium Term Plan;
- (iii) To ensure, with other Members, that the Town Council is properly managed;
- (iv) To keep up to date with significant developments affecting local councils;
- (v) To be accessible to the electorate of the ward for which the Member is elected, to represent their views and to be receptive to complaints, questions and suggestions;
- (vi) To represent the whole electorate and reflect their views in considering Council policies and actions;
- (vii) To attend Council meetings;
- (viii) To adequately prepare for Council meetings by reading reports and being properly informed on the matters to be discussed;
- (ix) To take part in meetings, form a view on what is best for the community and then abide by majority decisions taken;
- (x) To represent the Council on outside bodies;
- (xi) To abide by the Council's Code of Conduct.

6.6 All Members have the same rights and obligations in their relationship with the Town Clerk and other officers, regardless of their status or political party and must be treated equally, subject to section 7 below.

6.7 Individual Members:

- (i) **must not** involve themselves in the day to day running of the Council. This is the Town Clerk's responsibility, and he/she will be acting on instructions from the Council or its Committees, within their agreed job description.
- (ii) **do not have and cannot be given** any powers to make decisions on behalf of the Council, including decisions which result in financial commitments for the Council. This includes the Leader and the Town Mayor although these members do have personal responsibilities in connection with the running of formal meetings and other matters (see also **Appendices 3 and 5**).

6.8 All decisions taken by Councillors should be in the best interests of the people of the Stanley Town Council area.

Officers

6.9 In general, it is the role of officers to provide information and advice to Members, and to implement policies agreed by the Council. The Town Clerk has the senior role in ensuring that Council decisions are implemented, and the operation of the Council is effectively managed. His/her duties are wide and varied, some of which are statutory, and cover financial, legal, secretarial, and administrative functions, as well as managing other officers. (see also **Appendix 4**).

6.10 Other officers carry out duties as detailed in their job descriptions.

6.11 In giving advice to Members, and in preparing and presenting reports, it is the responsibility of an officer to express his/her professional views and to make recommendations where appropriate. An officer may reflect on the views of individual Members on an issue, but the recommendations should be the officer's own. If a Member wishes to express a different view, they must not pressurise the officer to make a recommendation contrary to the officer's view.

7. POLITICAL GROUPS

7.1 The legal framework of Town and Parish Councils is such that only the Full Council has the authority to make decisions. If there is a political group on the Council which comprises more than three members, the group may, upon service on the Town Clerk a notice signed by all members of the group confirming their intention to do so, appoint a group Leader.

7.2 The role of a group Leader is to be a link between the recognised political group and the Town Clerk in discussion of business to be put forward to the

agendas of Council and its committees and to act as a spokesperson for that group in relation to political matters.

- 7.3 A group leader may also request the Town Clerk make such reasonable resources available to the group to enable meetings of the group to take place in council premises, subject to the proviso that the arrangement of such meetings will not prevent paid bookings taking place.

8. LEADER OF THE COUNCIL

- 8.1 The Leader and Deputy Leader of the Council are to be elected at the Annual Meeting of Council after the election of the Town Mayor and Deputy Town Mayor.
- 8.2 The role of Leader is separate and distinct from the Town Mayor, which is a non-political, civic and administrative role. The two positions may not be concurrently held by the same member of Council.
- 8.3 The Leader of the Council may be the Leader of a political group as defined in Paragraph 7 above but does not have to be.
- 8.4 The Leader (or Deputy Leader) will have responsibility for the day-to-day supervision of the Town Clerk. If for any reason the Council has not appointed a Leader, the Town Mayor will undertake this role.
- 8.5 The process for the election of the Leader and Deputy Leader shall be as follows.
- (i) Any elected member of the Council may be nominated for the position of Leader.
 - (ii) All seconded nominations will be determined by a show of hands.
 - (iii) In circumstances where more than 2 members are put forward for the role(s), candidates with the fewest votes will be eliminated in as many rounds of voting as are necessary for one candidate to have a clear simple majority of members present.
 - (iv) In the event of an equality of votes in a runoff between 2 candidates, the Town Mayor must exercise a casting vote.
- 8.6 The Leader of the Council shall have the delegations listed in **Appendix 5 and Standing Order 26**.

9. THE TOWN MAYOR

- 9.1 At the Annual General Meeting held on 16th May 2017, the Council resolved to adopt the style of Town Mayor and Deputy Town Mayor for the Chairperson and Vice Chairperson, respectively.
- 9.2 The role of Town Mayor, as described by the Local Government Association's publication "Preparing for the role of Civic Mayor", is:

"The mayor is often seen as a symbol of an open society because the role is no longer restricted to an elite group within the population. The 'first citizen', as they are sometimes known, can come from any class, gender or ethnic background and has a key democratic role to play. After being chosen and appointed by fellow councilors, he or she must act as a politically impartial chairman of the council, making sure that proper conduct takes place in the council chamber during meetings. The civic mayor also has a duty and privilege to support local initiatives aimed at providing benefit to the council area and its diverse communities. In this role, the mayor can speak and act in multiple capacities, as ambassador, facilitator, promoter and encourager. This may involve highlighting relevant causes and helping members of the local community to receive the recognition they deserve. However, it is probably the mayor's ceremonial role that most people are familiar with. Mayors are frequently invited to attend events in the community, such as openings and fundraising events organised by voluntary and charitable organisations. Fundraising events may also be held for charities that are chosen by the new mayor at the start of the civic year."

9.3 The role of the Town Mayor is defined in **Appendix 3**.

10. Governance Documents

10.1 The council has several documents which establish the framework in which the Council discharges its duties and powers. They are the internal rules, practical arrangements and processes which are essential to those who form and work for the council. Members and officers should be able to demonstrate compliance with the governance documents in relation to all activities, decisions and decision making processes.

10.2 The governance documents are:

- The Constitution, including the Scheme of Delegation
- Standing Orders
- Financial Regulations
- Member Code of Conduct
- Budget
- Publication Scheme
- Complaints Procedure
- Gifts and Hospitality Policy
- Member/Officer Relations Policy
- Bullying and Harassment Policy
- Strategic Grants Policy
- Whistleblowing Policy

- Anti-Fraud and Corruption Policy
- *Child and Vulnerable Adult Protection Policy*
- *Health and Safety Policy*
- Risk Management Strategy
- Media Policy, including Social Media
- Business Continuity Policy
- Privacy Policy

10.3 The documents will be kept under regular review and any amendments must be approved by the Full Council.

Function	Powers & Duties	Statutory Provisions
Allotments	Duty to provide allotments. Power to improve and adapt land for allotments, and to let grazing rights	Small Holding & Allotments Act 1908, ss. 23, 26, and 42
Baths and washhouses	Power to provide public baths and washhouses	Public Health Act 1936, ss. 221, 222, 223 and 227
Burial grounds, cemeteries and crematoria	Power to acquire and maintain Power to provide Power to agree to maintain monuments and memorials Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, Ss 9 and 10; Local Government Act 1972, s. 214; Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s. 1 Local Government Act 1972, s. 214(6)
Bus shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provision) Act 1953, s. 4
Bye-laws	Power to make bye-laws in regard to pleasure grounds Cycle parks Baths and washhouses Open spaces and burial grounds Mortuaries and post-mortem rooms	Public Health Act 1875, s. 164 Road Traffic Regulation Act 1984, s. 57(7) Public Health Act 1936, s.223 Open Spaces Act 1906, s.15 Public Health Act 1936, s.198
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed churchyards	Powers as to maintenance	Local Government Act 1972, s.215
Common pastures	Powers in relation to providing common pasture	Smallholdings and Allotments Act 1908, s.34
Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144

Community centres	Power to provide and equip buildings for use of clubs having athletic, social or recreational objectives	Local Government (Miscellaneous Provisions) Act 1976 s.19
Crime prevention	Powers to install and maintain equipment and establish and maintain a scheme for detection or prevention of crime	Local Government and Rating Act 1997, s.31
	Power to contribute to police services e.g. PCSOs	Police Act 1996, s.92
	Duty on Parish Councils to consider crime reduction in every policy and action	s17 Crime and Disorder Act 1998 (as amended)
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260
Dogs	Power to make a Dog Control Order Power to take enforcement action against those who commit an offence against a Dog Control Order	Cleaner Neighbourhoods and Environment Act 2005
Entertainment and the arts	Provision of entertainment and support of the arts	Local Government Act 1972, s.145
Flyposting and Graffiti	Power to take enforcement action against those that flypost or graffiti	Cleaner Neighbourhoods and Environment Act 2005
Gifts	Power to accept	Local Government Act 1972, s.139

Highways	<p>Power to maintain footpaths and bridle-ways</p> <p>Power to light roads and public places</p> <p>Provision of litter bins</p> <p>Powers to provide parking places for bicycles and motor-cycles, and other vehicles</p> <p>Power to enter into agreement as to dedication and widening</p> <p>Power to provide roadside seats and shelters</p> <p>Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway</p> <p>Power to complain to highway authority as to unlawful stopping up or obstruction of highway or unlawful encroachment on roadside wastes</p> <p>Power to provide traffic signs and other objects or devices warning of danger</p> <p>Power to plant trees and lay out grass verges etc. and to maintain them</p>	<p>Highways Act 1980, ss.43,50</p> <p>Parish Councils Act 1957, s.3;</p> <p>Highways Act 1980, s.301</p> <p>Litter Act 1983, ss.5,6</p> <p>Road Traffic Regulation Act 1984, ss.57,63</p> <p>Highways Act 1980, ss.30,72</p> <p>Parish Councils Act 1957, s.1</p> <p>Highways Act 1980, ss.47,116</p> <p>Highways Act 1980, s.130</p> <p>Road Traffic Regulation Act 1984, s.72</p> <p>Highways Act 1980, s.96</p>
Investments	<p>Power to participate in schemes of collective investment</p>	<p>Trustee Investments Act 1961, s.11</p>
Land	<p>Power to acquire by agreement, to appropriate, to dispose of</p> <p>Power to accept gifts of land</p>	<p>Local Government Act 1972, ss.124, 126, 127</p> <p>Local Government Act 1972, s.139</p>
Litter	<p>Provision of receptacles</p> <p>Power to take enforcement action against those that litter</p>	<p>Litter Act 1983, ss.5,6</p> <p>Cleaner Neighbourhoods and Environment Act 2005</p>
Lotteries	<p>Powers to promote</p>	<p>Lotteries and Amusements Act 1976, s.7</p>
Mortuaries and post mortem rooms	<p>Powers to provide mortuaries and post mortem rooms</p>	<p>Public Health Act 1936, s.198</p>

Open spaces	Power to acquire land and maintain	Public Health Act 1875, s.164 Open Spaces Act 1906, ss.9 and 10
Parish documents	Powers to direct as to their custody	Local Government Act 1972, s.226
Telecommunications facilities	Power to pay public telecommunications operators any loss sustained providing telecommunication facilities	Telecommunications Act 1984, s.97
Public buildings and village halls	Power to provide buildings for public meetings and assemblies	Local Government Act 1972, s.133
Public conveniences	Power to provide	Public Health Act 1936, s.87
Sustainable communities	Able to be represented on a panel of representatives to be consulted on proposals that would contribute to sustainable communities	Sustainable Communities Act 2007
Town and country planning	Right to be notified of planning applications	Town and Country Planning Act 1990, Sched.1, para. 8
Tourism	Power to encourage visitors and provide conference and other facilities	Local Government Act 1972, s.144
Traffic calming	Powers to contribute financially to traffic calming schemes	Highways Act 1980, s.274A
Transport	Powers in relation to car-sharing schemes, taxi fare concessions and information about transport Powers to make grants for bus services	Local Government and Rating Act 1997, s.26, 28 and 29 Transport Act 1985, s.106A

War memorials	Power to maintain, repair, protect and alter war memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1; as extended by Local Government Act 1948, s. 133
Water supply	Power to utilise well, spring or stream and to provide facilities for obtaining water from them	Public Health Act 1936, s.125
Well-Being	Power to well-being of the area (for eligible councils)	s2 and 4 of the Local Government Act 2000

APPENDIX 2

COMMITTEE STRUCTURE AND SCHEME OF COMMITTEE DELEGATION

1. **All Committees have the power to act immediately on all delegated decisions reached without waiting for endorsement by the full Council.** However, a Committee considering an item of business which they have a delegated power to make decision on may refer that item to Full Council for decision by resolution if they wish.
2. The Town Mayor and Deputy Town Mayor shall be ex-officio members of any standing Committees

3. Planning Committee

PC1 The Town Council has not elected to have a delegated Planning Committee. All planning issues, where correspondence is received from two members of the Council to the Town Clerk will be dealt with by an Agenda item at the next Full Council meeting

PC2 Full Council in the role of planning matters will pursue the following role and functions:

- (i) To formulate the Council's policies and case specific position relating to land use;
- (ii) To exercise the Council's legal right to act as a statutory consultee in the planning process;
- (iii) To make representations to the Local Planning Authority on any application referred to the Council and on any other planning matter that affects the Parish;
- (iv) To consider and respond to any strategic planning proposals by the principal authority;
- (v) To comment on highways/footways issues that affect the Parish;
- (vi) To submit to the Finance and General Purpose Committee bids for funds as part of the annual budget process;
- (vii) To lead the Neighbourhood planning process on behalf of Council, including the establishment and oversight of any steering groups that may be required.
- (viii) To administer an agreed, delegated budget for the pursuit of the above activities, subject to compliance with Financial Regulations and Standing Orders.

4. Finance and General Purposes Committee

FG1 The Finance and General Purposes Committee (a Standing Committee) shall comprise ten (10) members of the Council.

- FG2 The Committee shall meet a minimum of five times a year and otherwise as required at the discretion of the Chair of the Committee. In addition, any two members of the Committee may convene a meeting of the Committee if the Chairperson does not or refuses to within 7 days of a written request for a meeting to be called.
- FG3 The quorum shall be four Members.
- FG4 The Committee is delegated the authority to pursue the following role and functions:

4.1 Finance

- (i) To make recommendations to the Council on the annual budget and precept (consistent with the Council's agreed priorities and policies);
- (ii) To receive from sub-committees and working groups, and to collate prior to the submission to the Council, all bids for financial provision to be included in the annual revenue and capital budget relating to the work of the Committee;
- (iii) To formulate and present to the Council recommendations for annual expenditure and income;
- (iv) To oversee the Council's financial performance through the review of budget monitoring reports;
- (v) To oversee the Council's Accounts;
- (vi) To oversee and control borrowing by the Council and the investment of funds within the Council's control;
- (vii) To make recommendations to the Council on the capital programme, its content, phasing and monitoring;
- (viii) To execute and carry out, in the name and on behalf of the Council, all resolutions and instructions from time to time given with reference to finances and accounts;
- (ix) To have the direction and control of insurance in respect of the Council's property, members, and employees;
- (x) To provide efficient financial services and advice for the benefit of the Council;
- (xi) To monitor and make recommendations in relation to the process for applying for grant funding to support the Council's activities;
- (xii) To regularly review the Council's treasury management activities;

- (xiii) To review proposed amendments to Financial Regulations before submission to the Council for approval;
- (xiv) To periodically review risk;
- (xv) To monitor and approve payments;
- (xvi) To receive and respond to internal and external audit reports;
- (xvii) To administer an agreed, delegated budget for the pursuit of the above activities, subject to compliance with Financial Regulations and Standing Orders.
- (xviii) The Committee may hear a request for the award of a community use in the Civic Hall and may grant a request if it would be inexpedient to defer the request to the next meeting of the Full Council and if there is sufficient allocated in the relevant revenue budget.

4.2 Staffing

- (i) To consider issues concerning the employment and salaries, terms and conditions of all staff and make recommendations to full Council;
- (ii) To consider issues concerning Council personnel policy and make recommendations to full Council;
- (iii) To review the staffing structure and levels and make recommendations to full Council;
- (iv) To review health and safety at work for all Council employees.
- (v) To ensure the Council complies with all legislative requirements relating to the employment of staff;
- (vi) To interview staff for appointments to the posts of Town Clerk and the Management Team, and make recommendations to full Council;
- (vii) To keep under review a system for regular staff appraisals;
- (viii) To review and make recommendations on all aspects of communication involving the Council, with the aim of ensuring that the community is aware of the aims, policies and activities of the Council;
- (ix) To have responsibility for setting the appraisal objectives of the Town Clerk

4.3 Communications

- (i) To review and make recommendations on how information is to be circulated to all interested groups regarding the Council's activities;
- (ii) To review and make recommendations on how the Council may encourage feedback from the community to inform it on the need for policy changes and development;
- (iii) To review and develop initiatives to improve communications within the Council;

- (iv) To develop and review policies for dealing with the media;
- (v) To monitor and review the policy for the use of social media as a means of communicating with the community;
- (vi) To oversee the effectiveness of the Council's websites;

4.4 Events & Entertainment

- (i) To consider the options for delivering and/or supporting events in the communities of Stanley which may further the overall objectives of the Council;
- (ii) To oversee the operation, development and promotion of the Civic Hall;

4.5 Community Safety

- (i) To keep under review the safety of the community within the Town Council area, and make recommendations to the Council on any matters involving community safety;
- (ii) To consider and develop initiatives involving the Council's partners aimed at reducing crime and helping make the community feel more secure;
- (iii) To review the issue of anti-social behaviour, particularly among the youth of the community, and consider how this may be addressed;
- (iv) To monitor and review arrangements relating to environmental issues, such as dog fouling, litter etc., with a view to developing initiatives to address the situation;
- (v) To monitor the performance of any environmental improvement contracts and make recommendations to Council to improve their effectiveness
- (vi) To consider and make recommendations on how the community may be educated and informed on issues concerning the environment, crime and community safety;
- (vii) To create an effective partnership with other agencies involved in matters relating to the remit of the Committee;

5. Grievance Panel

The Grievance Panel is set up as part of the Council's Grievance Process. It will meet as and when required to hear grievances from officers of the Council. The Panel shall comprise three members who have undergone the necessary training in handling grievance matters. Members selected for the Panel will have had no direct involvement in any issue to be heard by the Panel. The Panel will make recommendations on how the grievance may be resolved.

6. Disciplinary Panel

The Disciplinary Panel is set up as part of the Council's Disciplinary Procedure. It will meet as and when required to hear reports prepared by an appropriate officer or other approved person following a disciplinary investigation, together with the response from the Council officer concerned. The Panel shall comprise three members who have undergone the necessary training in handling disciplinary matters. Members selected for the Panel will have had no direct involvement in any issue to be heard by the Panel. The Panel will be required to make a decision as to what disciplinary action, if any, should be taken as a result of the hearing.

7. Appeals Panel

The Appeals Panel is set up as part of the Council's Disciplinary Procedure. It will meet as and when required to hear appeals by Council officers against any decision made by the Disciplinary Panel. The Panel shall comprise three members who have undergone the necessary training in handling disciplinary matters. Members selected for the Panel will have had no direct involvement in any issue to be heard by the Panel, or in the process prior to the hearing of the appeal. The decision of the Appeals Panel is final.

APPENDIX 3

ROLE AND RESPONSIBILITIES OF THE TOWN MAYOR

The main rules of law governing the role of the Town Mayor of a parish council are set out in the Local Government Act 1972, principally within Schedule 12, which sets out, for example:

- That the Town Mayor must preside at a meeting of the parish council if he or she is present; and
- That it is the person who presided at the meeting who has the responsibility to sign the minutes as a true record.

It is the duty of the Town Mayor:

"to preserve order, and to take care that the proceedings are conducted in a proper manner, and that the sense of the meeting is properly ascertained with regard to any question which is properly before the meeting"

National Dwellings Society v Sykes (1894)

It is the Town Mayor's responsibility:

- (a) To determine that the meeting is properly constituted and that a quorum is present;
- (b) To inform himself as to the business and objects of the meeting;
- (c) To preserve order in the conduct of those present;
- (d) To confine discussion within the scope of the meeting and reasonable limits to time;
- (e) To decide whether proposed motions and amendments are in order;
- (f) To formulate for discussion and decision questions which have been moved for the consideration of the meeting;
- (g) To decide points of order and other incidental questions which require decision at the time;
- (h) To ascertain the sense of the meeting by:
 - (i) Putting relevant questions to the meeting and taking the vote thereon (and if so minded giving a casting vote);
 - (ii) Declaring the result; and
 - (iii) Causing a ballot to be taken if duly demanded;
- (i) To approve the draft of the minutes or other record of proceedings (with the consent of the meeting);
- (j) To adjourn the meeting when circumstances justify or require that course; and
- (k) To declare the meeting closed when its business has been completed

"Knowles on Local Authority Meetings" (ICSA Publishing)

Voting

During the meeting, if a vote on a matter is tied, the Town Mayor, or other person presiding, has a second or casting vote.

The Town Mayor's term of office continues until the appointment of a successor, other than where the Town Mayor resigns or is disqualified. This continuity also applies when the Town Mayor has not been re-elected following local elections. In this case, the Town Mayor does not have a vote on the appointment of a successor but does have a casting vote in the event of equal votes.

Outside of the Meeting

The Town Mayor:

- Is the person to whom notice of resignation is given by other Councillors or the Town Clerk;
- May convene meetings of the Council (on proper notice to the Town Clerk);
- When attending ceremonial events, is the proper person to represent the parish;
- May receive an allowance to meet the expenses of his or her office.

Beyond that, the workings and decisions not taken by the Council or through the delegation scheme, by one of its Committees or Sub-committees are to be taken by the Town Clerk.

The Town Mayor may have an enhanced role, as functions may be delegated to the Town Clerk in consultation with the Town Mayor (or the Chair of a Committee). This means that the decision and the responsibility for it, remains with the Town Clerk (not the Town Mayor) but that he or she must first bring the matter to the attention of the Town Mayor and take into account the views of the Town Mayor in coming to his or her decision.

It is also likely to be the case that in the absence of a Council Leader, the Town Mayor will be the person whom the Town Clerk will approach;

- for information about the Council and the parish;
- to seek to informally discuss matters with and;
- to informally consult on decisions that are in the Town Clerk's remit to make or pass back to a formal meeting.

Correspondence to and from the Council will normally be dealt with by the Clerk, not by the Town Mayor.

The Deputy Town Mayor has the same roles and responsibilities as the Town Mayor in the absence of, or at the request of the Town Mayor.

APPENDIX 4

SCHEME OF OFFICER DELEGATION

TOWN CLERK

1. The Town Clerk shall be the Proper Officer in accordance with Section 112 of the Local Government Act 1972.
2. The Town Clerk is the Proper Officer for any purpose in respect of which a Proper Officer is mentioned in any statute.
3. As Proper Officer, the Town Clerk is specifically authorised to:
 - (i) Receive declarations of acceptance of office;
 - (ii) Receive and record notices disclosing pecuniary interests;
 - (iii) Receive and retain plans and documents;
 - (iv) Sign notices or other documents on behalf of the Council and arrange for legal deeds to be sealed and witnessed reference Standing Order 22
 - (v) Receive copies of bye-laws made by a Primary Local Authority;
 - (vi) Certify copies of bye-laws made by the Council;
 - (vii) Sign summonses to attend meetings of the Council.
4. In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:
 - (i) The day to day administration of services, facilities and assets together with routine inspection and control;
 - (ii) Day to day supervision and control of all staff employed by the Council in accordance with the Council's policies, procedures and budgets;
 - (iii) The authority to commence disciplinary investigations against staff, in consultation with the Leader of the Council and the Chair of the Finance & Governance Committee and subject to HR advice.
 - (iv) Where any investigations are commenced under 5 (iii) above, the matter must be reported to the next available meeting of the Finance & Governance Committee and all members notified that an investigation has been commenced.
 - (v) Authorisation of routine expenditure within agreed budgets;
 - (vi) Emergency expenditure because of an unforeseeable emergency involving immediate risk to persons, property or other assets or serious disruption to Council Services;
 - (vii) To institute, defend and appear in any legal proceedings authorised by the Council;

- (viii) To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Stanley);
- (ix) To agree the terms of any lease, licence, conveyance or transfer;
- (x) Variations of restrictive covenants of a routine nature;
- (xi) The granting of easements, wayleave and licenses over Council land;
- (xii) To respond to planning applications on behalf of the Council, where, due to timescales the Planning Committee is unable to comment, provided that the Town Clerk has consulted with the Chair and Vice-Chair of the Committee. All members will receive details of planning applications which are dealt with under this delegation and may make comments;
- (xiii) To act as the Council's designated officer for the purpose of the Freedom of Information Act 2000;
- (xiv) To arrange for interviews and appoint staff graded below **Grade 10** to a vacant post in the staffing establishment (where authority to recruit has been granted by Council;)
- (xv) To (in consultation with the Leader of the Council) take editorial decisions in relation to digital and printed media issued by the Town Council in accordance with any policies agreed by Council;
- (xvi) Actions taken under delegated authority by the Town Clerk shall be in accordance with Standing Orders, Financial Regulations, Contracts and Procurement and this Scheme of Delegation and with directions given by the Council from time to time.

The Responsible Finance Officer

5. The Finance Officer shall be the Responsible Financial Officer (RFO) to the Council under Section 151 of the Local Government Act 1972. The Town Clerk shall be the RFO for any purpose in which a Responsible Financial Officer is mentioned in any statute. The Finance Officer, as RFO, is specifically authorised:
 - (iii) To determine the Council's accounting system and the form of the accounts and supporting accounting records;
 - (iv) To be responsible for the proper administration of the Council's financial affairs which includes reviewing the Council's Financial Regulations and submitting revisions to the Council for approval.

APPENDIX 5

SCHEME OF DELEGATION

LEADER OF THE COUNCIL

Where a Leader of the Council has been appointed in accordance with paragraph 8.1 above, the Council delegates to the Leader of the Council the authority to:

1. Work with the Town Clerk and other elected members to develop and propose to Council the strategic direction and policy objectives of the Council;
2. Work with the Town Clerk and other elected members to ensure the strategic direction and operational management of the Council are working effectively;
3. Work with the Town Clerk as authorised by Council to negotiate on behalf of the Council with other local authorities and organisations in order to further progress toward strategic and policy objectives.
4. The Leader of the Council and Mayoral roles remain separate.
5. The Town Clerk
 - (i) will brief the Leader of the Council on a by-weekly basis on the operational work of the Council;
 - (ii) will have their leave or time off in lieu agreed in advance by the Leader of the Council; and,
6. The Leader of the Council and Town Clerk will jointly consider the medium term plan and other relevant strategic documents on a regular basis and jointly propose changes and additions required to Council and/or the relevant Committee.
7. The Leader of the Council may not alter the strategic direction agreed by the council or add or remove any agreed projects without the authorisation of the council or relevant committee.
8. In the absence of the Leader of the Council the Deputy Leader of the Council will undertake those matters delegated to the Leader of the Council in accordance with this Appendix and Standing Order.
9. The Leader of the Council will have responsibility for day to day supervision of the Town Clerk, however the Clerk remains accountable to relevant Committees and the Full Council itself.

10. The Leader may have an enhanced role, as functions may be delegated to the Town Clerk in consultation with the Leader/ Town Mayor (and/or the Chair of a Committee). This means that the decision and the responsibility for it, remains with the Town Clerk (not the Leader) but that he or she must first bring the matter to the attention of the Leader.
11. It is also likely to be the case that the Council Leader will be the person whom the Town Clerk will approach;
 - for information about the Council and the town;
 - to seek to informally discuss matters with; and
 - to informally consult on decisions that are in the Town Clerk's remit to make or pass back to a meeting.
12. It is acknowledged that this Appendix does not confer upon the Leader or Deputy Leader of Council any executive decision making powers to act on the Council's behalf.