

# TERMS OF REFERENCE

## FULL COUNCIL YAXLEY PARISH COUNCIL

APRIL 2016  
REVIEWED FEBRUARY 2019 – APPROVED APRIL 2019

## **DELEGATED POWERS**

Members will be advised by the Clerk whether or not a particular item under discussion is within the Committee (or Sub-Committee's) delegated powers. The minutes will then record the decision as "RESOLVED". If it is not, then the minutes will show the decision as "RECOMMENDED", and will then be brought to the Council's particular attention by the Chairman of the Committee at the next meeting of the Council when seeking approval and adoption of the Committee's minutes.

In any case where a Committee (or Sub) Chairman and Vice Chairman are either unsure whether or not any matter falls within delegated powers, or whether or not any matter should be determined by them, they should refer that matter to the next highest level of decision. A power delegated does not always have to be exercised.

## **POWERS SPECIFICALLY DELEGATED TO THE CLERK**

- 1.0** Authorising expenditure on items where the Council, or the appropriate Committee under delegated powers, within a budget approved by the Council, has agreed the expenditure.
- 2.0** Investing monies held by the Council with a view to obtaining the best rates of interest, provided that the monies are invested through the Council's appointed bankers, the Post Office or a reputable building society.
- 3.0** The power to act as the Council's "Proper Officer" in all cases where any legislation requires the appointment of such an officer.
- 4.0** To act as the Responsible Officer for Health and Safety, and as the Council's Proper Officer in all cases where legislation so requires.

## **PUBLIC AND PRESS**

Under Section 1(2) of the Public Bodies (Admission to Meetings Act 1960) "that as publicity would be prejudicial to the public interest by reason of the {Special} {Confidential} nature of the business about to be transacted at Agenda Item... Namely... (state nature of business eg 'Discuss Clerk's Contract'), it is advisable in the public interest that the Public and Press be temporarily excluded from this meeting and they are herewith instructed to withdraw."

Exclusion of the public and press must be minuted but it does not have to be on the Agenda.

The exclusion of public and press should be used prudently and the Council must be clear on the reasons for doing so.

The press and public can be excluded for the following reasons:

- 1.0** To discuss terms of service, or to discuss the conduct and dismissal of a member of staff
- 2.0** Terms and proposals and counter proposals in negotiating contracts
- 3.0** Preparation in legal proceedings
- 4.0** The early stages of a dispute
- 5.0** The early stages of agreeing tender/quotation details
- 6.0** The approval of tender/quotation details
- 7.0** To discuss a matter of commercial sensitivity

## **FULL COUNCIL**

### **Terms of Reference**

- 1.0** Membership shall comprise all members of the Council.
- 2.0** Six members shall constitute a quorum.
- 3.0** The Council will consider the annual estimates of expenditure of the Council and recommend an annual precept.
- 4.0** The Council shall approve arrangements to secure the proper administration of the financial affairs of the Council under Section 151 of the Local Government Act 1972 or such other relevant legislation.
- 5.0** The Council shall deal with any matters not specifically delegated to any other Committee of the Council.
- 6.0** The Council may approve any payments already made for expenditure which have been previously authorised.

### **Powers**

- 1.0** To elect the Chairman and Vice Chairman of Full Council at the beginning of the Municipal year (the quorum for the Annual Meeting shall be nine members).
- 2.0** To appoint the members of the standing committees.
- 3.0** To co-opt onto the Council new Councillors for un-contested vacancies during the term of the Council.
- 4.0** To approve a calendar of meetings of the Council and its Committees.
- 5.0** To advise the Chairman on any matter relating to the execution of the functions of that office.
- 6.0** To authorise the disposal of surplus items of plant, furniture and equipment.
- 7.0** To nominate persons to represent the Council on other organisations.
- 8.0** To act as Finance Committee for the Parish Council and to introduce, maintain and operate an effective finance based project management system.
- 9.0** To monitor the effects and implications of new legislation or best practice and to consider the implications and implementation thereof.
- 10.0** To ensure the Council's compliance with the provisions of the Health and Safety at Work Act. Any accidents or near misses will be reported to the next available Council meeting.
- 11.0** To advertise for the appointment of the Parish Clerk and to make arrangements for interviews by an appointed panel who shall make a recommendation to a special meeting of the council on the person most suitable to fill the post.
- 12.0** To maintain an up-to-date Register of Assets of the Council's property and investments.

- 13.0** To maintain proper and adequate insurances and indemnities for the Council's activities, liabilities, properties, assets and employees.
- 14.0** To receive, consider and approve the Annual Statement of Accounts together with the Auditor's Report and to take such action as may be necessary to comply with the Auditor's recommendations.
- 15.0** To establish and maintain a financial management system such as will comply with the relevant requirements of the Governance and Accountability in Local Government in force from time to time and in accordance with the Council's levels of income and expenditure.
- 16.0** To invest the Council's balances in a manner such as will attract a reasonable return in circumstances with only low risk potential.
- 17.0** To establish and maintain a system of Internal Audit of all the Council's activities.
- 18.0** To receive, consider and approve the Internal Auditor's Report and to take such action as may be necessary to comply with the Internal Auditor's recommendations.
- 19.0** To receive and consider all recommendations and reports from other Committees of the Council relating to the forthcoming year's Estimates of Income and Expenditure and to consider any project bids for inclusion in the Council's Capital Programme of works.
- 20.0** To consider expenditure not within previously approved budgets.
- 21.0** To consider expenditure within a generally agreed budget but where the costs (or estimated costs) exceed the budget.
- 22.0** To consider expenditure within generally agreed budgets but on items insufficiently clarified.
- 23.0** To consider the Estimates of Income and Expenditure for the forthcoming financial year, to adopt a rolling Programme of Capital Expenditure, levels of balances to be maintained and a precept to be levied on the District Council.
- 24.0** To receive and approve statements of invoices paid or due to be paid.
- 25.0** To maintain a satisfactory system of monitoring the levels of Council expenditure and income and to appraise each Committee of such details at regular intervals.
- 26.0** To approve the virement of expenditure within overall approved estimates.
- 27.0** To review the Terms of Reference of the Council's Committees on an annual basis.
- 28.0** Matters may also be delegated to the appropriate Committee if the matter requires further information/consideration.
- 29.0** To annually receive reports (either written or verbally) from members appointed by the Council to outside bodies.
- 30.0** Without prejudice to the position of the Clerk as the Council's spokesperson and immediate advisor on public relations matters, to advise the Council on matters relating to the promotion and publicity of the Council affairs and events generally.

## **Delegation of Power**

### **1.0 To the Chairman and Vice Chairman.**

- 1.1** Matters of an urgent nature requiring settlement before the next meeting of the Council may be dealt with by the Chairman and Vice Chairman in conjunction with the Clerk and at their discretion but must be submitted for approval or otherwise to the next meeting of the Council