

YATTON PARISH COUNCIL

Full Council, 20 April 2009: Reports

AGENDA ITEM 8: TERMS OF REFERENCE OF COMMITTEES

Report of the Clerk

1. Members asked me to consider the terms of reference of committees. Draft revised terms are attached.
2. The draft begins with a statement of matters reserved to Full Council. This includes a provision that Full Council must authorise any expenditure, whether included within budgetary provision or not, on any individual item or contract in excess of £5000 (members may of course want to set a different limit). If members do impose a limit of this sort I will ensure it is included in the next revision of Financial Regulations.
3. The other change is the merging of the Planning, Environment and Community Services Committee ('PECS') and the Planning Applications Subcommittee into a single Planning Committee. This reflects the fact that in practice the Planning Applications Subcommittee has taken responsibility for planning matters.
4. Members will wish to consider whether more 'strategic' planning and environment matters should be reserved to Full Council
5. Members will also wish to consider whether the Planning Committee should have a budget. The PECS budget was very small for 2008/09 apart from the budget for the Parish Plan, which will not carry forward into 2009/10. Since most of the work of the Planning Committee would consist of commenting on proposals it may be that a budget is not appropriate. Any expenditure, for example on consultations or footpath maintenance, could be authorised by Full Council.
6. I am proposing three permanent advisory committees. It is important that advisory committees do not incur any expenditure, for example on consultations, or purport to set Council policy. All three matters (road safety, Hangstones redevelopment and a new burial ground) are strategic matters where decisions should properly be taken by Full Council.
7. If members approve the draft, with or without amendment, I shall bring final Terms of Reference to the Annual Meeting of the Council on 11 May.

(DRAFT FOR COUNCIL, 20 April 2009)

TERMS OF REFERENCE OF COMMITTEES

Matters reserved to Full Council

The following matters are reserved to Full Council (where appropriate, on the recommendation of a committee):

- The approval of the Council's annual budget and the setting of a precept
- The approval of the Council's Statement on Internal Control (including the review of the effectiveness of the Council's system of internal audit)
- The approval of the Council's annual accounts
- The consideration of the external auditor's report where the auditor requires it to be considered at a meeting of the Council
- Any decision to borrow money or to apply for permission to borrow
- The passing of a resolution to make the Council eligible to exercise the power to promote well-being
- The incurring of expenditure, whether included within budgetary provision or not, on any individual item or contract in excess of £5000
- Any variation or waiver of the Council's procurement policy
- The co-option of a member to fill a casual vacancy or the appointment of additional members
- The appointment of the Clerk

FINANCE, PERSONNEL AND ADMINISTRATION COMMITTEE

The committee must at all times consider its duty to Best Value, Equal Opportunities (race, religion, gender, sexual orientation, marital status, age and any disability), Crime and Disorder, Health and Safety and Human Rights

Responsibilities common to all committees:

- To be responsible for compiling its annual budget
- To present and obtain approval for its annual budget from Full Council
- In conjunction with the Clerk/RFO to monitor its functions and expenditure
- To assess and budget for future maintenance, replacement or upgrading of items for which it is responsible

Responsibilities specific to this committee:

- This committee has delegated responsibility for the overall management of the council's finances and any other matter which does not fall within the scope of any other committee and is not reserved to Full Council
- To deal with personnel matters including those allocated to the committee by the Council's Grievance and Disciplinary Procedures
- To appoint staff (other than the Clerk) and determine and review their terms and conditions of employment
- To manage the Parish Office in Yatton Library
- To propose the Council's annual precept and obtain Full Council approval for it.
- To ensure that an adequate and effective system of internal audit of the council's records and control systems is maintained as required by the Accounts and Audit Regulations
- To implement an annual salary review for parish council employees, giving due regard to staff development and NALC guidelines.
- To review regularly in conjunction with the RFO, the council's insurance arrangements ensuring that the property and risks are adequately insured.
- To review the effective operation of the council, its policies and procedures, including maintaining Quality Parish Council status.
- To develop communications with the electorate and other partners (other than on strategic planning matters).

AMENITIES AND PROPERTIES COMMITTEE

The committee must at all times consider its duty to Best Value, Equal Opportunities (race, religion, gender, sexual orientation, marital status, age and any disability), Crime and Disorder, Health and Safety and Human Rights

Responsibilities common to all committees:

- To be responsible for compiling its annual budget
- To present and obtain approval for its annual budget from the Finance, Personnel and Administration Committee and then from Full Council
- In conjunction with the Clerk/RFO to monitor its functions and expenditure
- To assess and budget for future maintenance, replacement or upgrading of items for which it is responsible

Responsibilities specific to this committee:

- In accordance with council policy this committee has delegated responsibility for all matters relating to land and buildings owned or leased or managed by the Council (other than the Parish Office in Yatton Library), including:

Broadcroft, Rock Road and Hangstones Playing Fields and associated buildings, Glebelands, the War Memorial Gardens and the parish car park; the allotments and the burial ground(s); streetlights owned by the Council and Christmas lights and decorations as well as tools and equipment used in the maintenance of its amenities and properties.

PLANNING COMMITTEE

The committee must at all times consider its duty to Best Value, Equal Opportunities (race, religion, gender, sexual orientation, marital status, age and any disability), Crime and Disorder, Health and Safety and Human Rights

[Committee budget?]

Responsibilities specific to this committee:

1. In accordance with council policy and operating at all times via the medium of the parish clerk, this committee has delegated responsibility for all matters relating to planning and the environment (except where these relate to land owned, leased or managed by the Council) and for community services such as community consultation and strategic community planning
2. to respond to North Somerset Council on any matter relating to planning applications/development control; and
3. to encompass all areas pertaining to planning which affects Yatton Parish.
4. To be responsible for the development and promotion of strategic policies concerned with national and local government plans and initiatives such as the Transport Plan, Local Plan, Waste Strategy, Sustainable development, etc.
5. To be responsible for all matters relating to public footpaths and bridleways, public transport and the condition of highways infrastructure not owned by the council.

ADVISORY COMMITTEES

(Note: advisory committees do not have the power to make decisions on behalf of the Council, to make policy on behalf of the Council or to incur expenditure)

ROAD SAFETY ADVICE COMMITTEE

To consider and make recommendations to Full Council on any matter relating to road safety

To co-operate with other organisations in Yatton and Claverham on any matter relating to road safety.

HANGSTONES REDEVELOPMENT ADVISORY COMMITTEE

To consider and make recommendations to Full Council on any matter relating to the redevelopment of Hangstones Pavilion

BURIAL GROUND ADVISORY COMMITTEE

To consider and make recommendations to Full Council on any matter relating to a possible new burial ground.

AGENDA ITEM 9: SCHEDULE OF FULL COUNCIL MEETINGS

Report of the Clerk

1. If members wish to have Full Council meetings monthly (but with no meeting in August) the schedule for 2009/10 would be:

Monday 11 May 2009 (Annual Meeting)

Monday 8 June 2009

Monday 13 July 2009 (or 20 July, see paragraph 7 below)

Monday 14 September 2009

Monday 12 October 2009

Monday 9 November 2009

Monday 14 December 2009

Monday 11 January 2010

Monday 8 February 2010

Monday 8 March 2010

Monday 12 April 2010

Monday 10 May 2010 (Annual Meeting)

2. However members may wish for Full Council to meet less frequently. This would enable committees to meet regularly without imposing too much burden on members. It would also make it possible to have occasional working parties and informal meetings without disturbing the schedule.

3. A possible schedule would be:

Monday 11 May 2009 (Annual Meeting)

Monday 8 June 2009

Monday 13 July 2009 (or 20 July, see paragraph 7 below)

Monday 14 September 2009

Monday 9 November 2009

Monday 11 January 2010

Monday 8 March 2010

Monday 10 May 2010 (Annual Meeting)

4. The June 2009 meeting is required for the approval of the Council's accounts; next year it might be possible to approve the accounts at the May meeting. In 2008/09 the budget was approved and the precept set at the December 2008 meeting, but approval at the January 2010 meeting would be in plenty of time for the North Somerset deadline of 31 January (the statutory deadline is 28 February but this would cause inconvenience for North Somerset).

5. The consequence of fewer Full Council meetings is that decision-making committees would be able to meet regularly. I assume members would wish the Planning Committee to continue meet as required. The Amenities and Properties Committee and the Finance, Personnel and Administration Committee would each probably want to meet at least once between each Full Council meeting, and possibly twice. It would help office procedures if there could be a Finance meeting on the second Monday of 'non-Council' months in order to maintain the current system of approving receipts and payments. Thus the cycle could be (only a suggestion since committees will fix their own cycle):

2nd Monday: Full Council

3rd Monday: Planning (or informal meeting) if required

4th Monday: Amenities & Properties if required

1st Monday: Planning (or informal meeting) if required

2nd Monday: Finance

3rd Monday: Planning (or informal meeting) if required

4th Monday: Amenities & Properties

1st Monday: Finance if required

2nd Monday: Full Council

6. With fewer Full Council meetings members will wish to ensure that they are informed about committee activity. This could be achieved by brief oral reports by

committee chairs at Full Council or by a regular written summary of the committee's activity.

7. I would ask members to consider holding the July Council meeting on 20 July rather than 13 July as it would be very difficult for me to attend on 13 July.

8. It is good practice to publish minutes of meetings (for example, on the Council's website) as soon after the meeting as possible. The Clerk's practice up to now has been to delay publication until the minutes have been approved and signed. If the Council meets bi-monthly I believe the delay would be excessive. It is perfectly proper to publish draft minutes provided they are clearly labelled as draft and unapproved, and if members have no objection I propose to do this in future. I would normally expect to show draft minutes to the appropriate Chair before publication.

9. Members are INVITED to agree on a schedule of Full Council meetings for 2009/10, all meetings to be held at Hangstones Pavilion at 7.30 p.m.

AGENDA ITEM 11: REVIEW OF THE COUNCIL'S SYSTEM OF INTERNAL CONTROL

Report of the Clerk

(Note: the Finance, Personnel & Administration Committee agreed at its meeting on 6 April 2009 to note this report and recommend to Full Council that the attached Statement on Internal Control be approved)

1. The Council is required to conduct an annual review of the effectiveness of its system of internal control. The results of the review must be reported to the Council, or a Committee, following which the Council must approve a Statement on Internal Control, prepared in accordance with proper practices in relation to internal control. The review must include a review of the effectiveness of the Council's system of internal audit. The Annual Governance Statement, which forms part of the Council's published Annual Return, includes an assurance statement on internal control.

2. As members will know the Council's system of internal control for the year ended 31 March 2008 was inadequate and the external auditors, Mazars LLP, expressed several concerns, especially with regard to the Council's procurement policy. All these concerns (with the exception of the annual review of risk assessment, on which see below, and the level of precept to be set, which will be considered when setting the 2010/11 budget) have now been addressed, as follows:

- The Council adopted a revised procurement policy at its meeting on 9 March
- The Council adopted a protocol on the payment of Chairman's allowance at its meeting on 9 March
- The Council has raised the Guaranteed Sum under its Fidelity Guarantee Insurance to the level required by the external auditors
- The COIF War Memorial long term investment will be included in the Council's Statement of Accounts for the year ended 31 March 2009 and subsequent years.

3. A review of the effectiveness of the Council's system of internal control was carried out by Councillor Rosey Knifton, former clerk Richard Baker and myself, looking in particular at the key controls set out in Appendix 9 of the Practitioners' Guide *Governance and Accountability for Local Councils* (2008 Edition). The review group concluded that the key controls were in place with two exceptions. First the Council needs to review its risk assessments as required by the external auditors. The Finance, Personnel and Administration Committee is being asked at its meeting on 6 April 2009 to purchase a software package to assist with this.

Second it is desirable that there should be a safe in the office for the storage of sensitive documents such as tenders. I attach a draft Statement on Internal Controls which summarises the current controls.

4. The review group also carried out a review of the effectiveness of the Council's system of internal audit. The group identified a number of weaknesses, which may have contributed to the failures in the year ended 31 March 2008:

- The terms of reference for the internal auditor were not approved by the Council
- There was no formal letter of engagement setting out the work expected from the internal auditor
- The internal auditor did not have any engagement with members.

I would also add that:

- The tests carried out by the internal auditor did not include any assurance that procurement policies had been correctly applied
- The internal auditor did not check variances from budget
- The internal auditor did not check that salaries paid to staff accorded with the amounts approved by the Council

all of which are required by the Practitioners' Guide.

5. The internal auditor for the year ended 31 March 2009 and previous years is not seeking reappointment. The Finance, Personnel and Administration Committee is considering the appointment of a new internal auditor at its meeting on 6 April and I shall be suggesting that it is desirable to appoint an internal auditor who is fully conversant with the requirements of the Practitioners' Guide, and also to agree with the internal auditor a letter of engagement that requires the audit to be carried out in accordance with the proper practices as set out in the Practitioners' Guide.

6. The Finance, Personnel & Administration Committee recommends that the Council note the results of the review be noted and approve the attached Statement on Internal Control

AGENDA ITEM 12: MEMBERS' TRAVELLING AND SUBSISTENCE ALLOWANCES

Report of the Clerk

1. Members are reminded that they are entitled to claim travelling and subsistence allowances for certain duties undertaken as councillor, namely:

- Attendance at any meeting of the Council, or committee or subcommittee of the Council, or at a meeting of any body to which the Council makes appointments or nominations
- Attendance at any meeting of Avon Local Councils Association or the National Association of Local Councils
- The performance of duties in connection with a tender process
- The performance of duties which requires the inspection of premises
- The carrying out of any other duty approved by the Council in connection with the discharge of the Council's functions.

2. Travelling and subsistence allowances may be claimed for meetings and duties undertaken both within and outside the Parish.

3. The North Somerset Remuneration Panel makes recommendations on the level of parish travelling and subsistence allowances. In April 2008 the Panel recommended 'That parish and town councils in North Somerset wishing to pay travel and subsistence allowances to their councillors be advised to adopt the North Somerset Council scheme as supported in this report'. In other words the Panel recommends that parish councillors adopt the scheme for North Somerset councillors.

4. I attach a copy of the relevant provisions of the North Somerset scheme, suitably amended for the Council's purposes. The rates of allowance are in Schedule 1.

5. At the end of every financial year the Council is required to publish a notice showing the total amount of travelling and subsistence allowance paid to each member.

6. The Regulations also provide for the payment of a 'basic allowance' to elected parish councillors. When the Parish Remuneration Panel first considered this issue in 2003 it recommended that no basic allowance should be paid to parish councillors in North Somerset. When it reconsidered the issue in 2008 it decided that it had 'no evidence of the level of responsibility, accountability, time and effort required of a parish councillor or a Chair of a local council' and was therefore unable to make a recommendation. As far as I am aware the Panel has no present intention of revisiting the issue.

7. Principal councils such as North Somerset are also able to pay a 'Dependant Carer's Allowance' to reimburse the cost of childcare or care of dependant adults. Parish councils are not permitted to pay this allowance.

I RECOMMEND that the Council adopt the North Somerset scheme in so far as it is relevant.