

Brixham Town Council

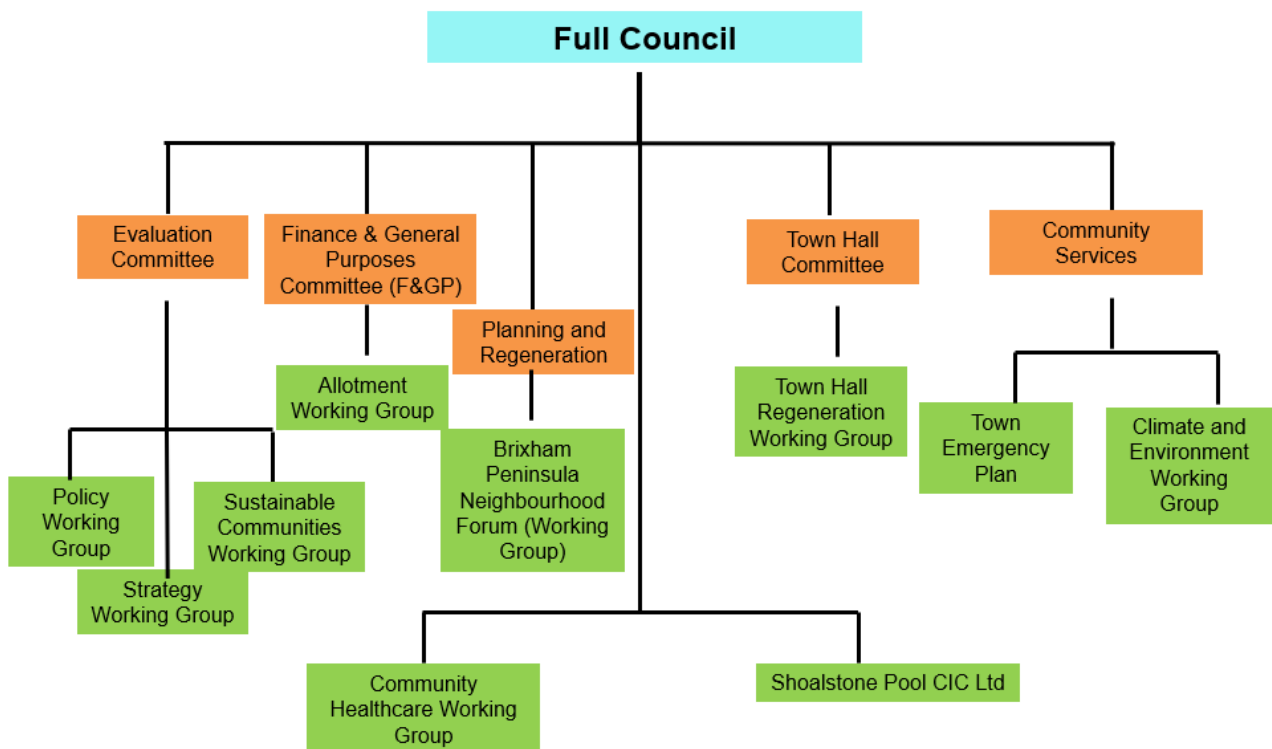
Report No:	05-2020		
Report Type:	Public		
Title:	Council Structure		
To:	Evaluation	Date:	22.01.20
Contact Officer:	Town Clerk	Tracy Hallett	
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Purpose of Report

To consider the Council Structure including the level of committees and working groups to ascertain if changes should be made to improve efficient operation of the Council for both Officers and Councillors.

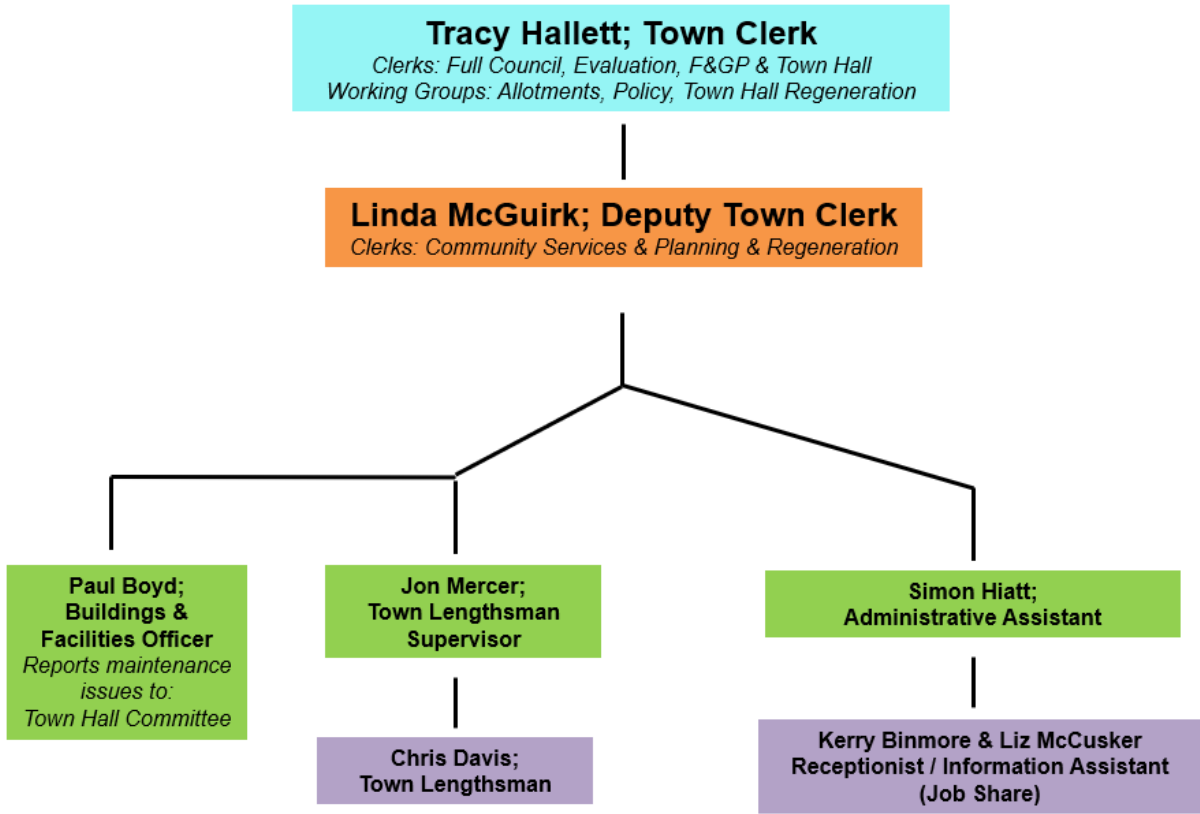
Existing Council Structure

Brixham Town Council Organisational Chart



Staff Structure

Brixham Town Council Staff Structure Chart



Current Officer Committee meetings

The hours shown below are just meeting hours and do not include work that is created from these meetings.

The Town Clerk clerks the Full Council, Finance and General Purposes and Evaluation meetings and has spent the following hours at meetings between 1st April and 31st December 2019. From November, Town Hall Committee meetings were added to the above list.

Town Clerk	Full Council	F&GP	Evaluation	Town Hall	P&R	Total
April	3	2.5				5.5
May	3	2.25	2.75			8
June	3					3
July		2.25	2.5			4.75
Aug	3	3		2	2.25	10.25
Sept	2.5	2.5	2.25			7.25
Oct	3	2.75				5.75
Nov	3	2.75	2.75			8.5
Dec		2.5		2		4.5
	20.5	20.5	10.25	4	2.25	57.5

The Deputy Town Clerk clerks the Planning and Regeneration and Community Services meetings and has spent the following hours at meetings between 1st April and 31st December 2019.

Deputy Town Clerk	F&GP	Town Hall	CSC	P&R	Total
April		3	2	2.25	7.25
May					0
June	3.5	3	3	2.5	12
July				2.5	2.5
Aug			3		3
Sept			2.75	3	5.75
Oct			2.25	2.50	4.75
Nov			2	3.25	5.25
Dec				3	3
	3.5	6	15.00	19.00	43.5

Other Town Council Structures

Newton Abbot

All Committee minutes are approved at Full Council.

Committees:

- Planning
- Policy & Resources
Sub Committees: Staff and Neighbourhood Development Plan
- Finance & Audit
Sub Committees: Grants, Planning Forum and Strategic Planning Forum
- Community & Heritage
Sub Committees: Allotments, Events, Community Engagement Group including Newton in Bloom and Museum, Licensing and Local Transport

Dartmouth

All Committee minutes are approved at Full Council.

Committees:

- Corporate Property
- Finance
- General Purposes
- Personnel
- Planning
- Parks & Open Spaces

Totnes Town Council

All Committee minutes are approved at Full Council.

- People
- Personnel
- Town Matters
- Operations
- Planning
- Council Matters

Ivybridge Town Council

All Committee minutes are approved at Full Council.

- Planning & Infrastructure
- Parks & Open Spaces
- The Watermark
- Personnel
- Policy & Resources
- Appeals

Comparison for a guide

Meeting		Who Clerks the meeting		Who takes Minutes / Notes	
BTC	Totnes	BTC	Totnes	BTC	Totnes
Full Council	Full Council	Clerk	Clerk	Clerk	Deputy TC
Evaluation / F&GP	Council Matters	Clerk	Clerk	Clerk	Clerk
P&R	Planning	Deputy TC	Committees Administrator	Deputy TC	Committees Administrator
Community Services	Town Matters	Deputy TC	Committees Administrator	Deputy TC	Committees Administrator
Policy Working Group *	Arts Working Group	Clerk	Clerk	Clerk	Mayoral Administrator
Town Hall	Venues Working Group	Clerk	Clerk	Clerk	Deputy TC
Climate Working Group	Climate Change Working Group	Councillors, but not successfully started yet	Councillors	Councillors, but not successfully started yet	Councillors
Community Healthcare working group	Economy Working Group	Councillors	Councillors	Torbay Community Development Trust	Councillors
Town Emergency Plan Working Group	Community Engagement Working Group	Councillors, but not successfully started yet	Councillors	Councillors, but not successfully started yet	Councillors
Allotment Working Group	Cemetery Working Group	Clerk	Committees Administrator	Clerk	Committees Administrator
Town Hall Regeneration	Public Realm Working Group	Clerk	Clerk	Admin Assistant	Clerk

Committee Responsibilities

The Committee Terms of Reference can be found in Annex One of this report.

Planning and Regeneration

Clerk to meeting: Deputy Town Clerk

Brixham Town Council is a statutory consultee.

- Consider and agree a respond
 - on planning applications taking into consideration Brixham Peninsula Neighbourhood Plan and Torbay Local Plan
 - on licensing applications
 - highways issues
 - on Tree Works Applications
 - to Torbay Council Consultations (relevant to the work the committee undertakes)
 - on issues and concerns raised by the community

- Monitor and compare Town Council comments against decisions made by Torbay Council

Town Map

To consider, agree and develop a Town Map that identifies visitor attractions and heritage buildings such as the Town Hall, for example. This is a new initiative that is yet to commence.

Reviewing, monitoring and considering other / new projects, such as:

- Article 4 Directive
- Harbour Regeneration
- Town Centre Regeneration
- Cumulative Impact Policy (CIA)
- Brixham Future requests / updates

F&GP

Clerk to meeting: Town Clerk

All financial aspects of the Council:

- Monitor and review:
 - Income
 - Expenditure including approving invoices for payment
 - Financial budget comparison
 - bank reconciliations
 - Bank Accounts including reviewing investment accounts
 - Internal Audit inspections – review and consider recommendations
 - Insurance policy and ensuring Council is adequately insured
 - Asset list
- Agree bank signatories
- Consider and review External Audit response
- Budget setting including organising a budget consultation
- Consider and allocate grants, community projects and community event funding

Allotments:

- Reviewing the management of allotments
- Review, consider and monitor Health and Safety / Risk Assessments
- Monitoring allotment inspections
- Reviewing and agreeing the annual fee
- Reviewing and agreeing the Tenancy Agreements
- Consider and resolve any complaints or issues
- Consider reports and recommendations from the Allotment Working Group

Information Point:

- Review, consider and monitor Health and Safety / Risk Assessments
- Review Location
- Review the content on the Interactive Kiosk
- Discuss and consider income streams ie advertising on Interactive Kiosk
- Review service provision

Reviewing, monitoring and considering other / new projects, such as:

- New income streams
- Asset acquisitions

Policies

Review the following policies and procedures:

- Financial Policies:
 - Financial Regulations
 - Financial Risk Management
 - Internal Financial Procedures
 - Reserves Strategy
 - Investment Strategy
 - Grants including revenue and individual
- Allotments Policies:
 - Bee Keeping
 - Hens

Community Services

Clerk to meeting: Deputy Town Clerk

Seasonal Displays including the Lanterns, Lights & 'luminations':

Work involved includes:

- Reviewing contractor / consider reports for the erection, removal and purchase of summer bunting
- To consider reports following meetings / communication with the Christmas lights, fireworks and event management contractors
- Agreeing the tendering process for the above contractors and consider / agree best value on receipt of quotes
- To consider reports following meetings with the Public Safety Advisory Group (PSAG) meetings on all events that take place in Brixham
- Review and monitor budget: expenditure and income including donations
- Review and monitor Health and Safety / Risk Assessments
- Attending and participating in the event ie stewarding, collection buckets etc
- Consider reports following meetings / communication with 'Lighting up Brixham'
- Helping to support the event by: delivering letters to businesses and advertising posters, count donations in collection buckets and recruit volunteer support

Red telephone boxes:

Work involved includes:

- Review:
 - budget
 - the removal and transport for refurbishment
 - quotes for repair to highways on removal
 - quotes for blasting, undercoating and priming
 - quotes for glazing
 - quotes for transport to new locations
 - agreement with community groups
- Continuous monitoring of the Town Council assets
- Review plans for third telephone box

Keep Brixham Beautiful:

Work involved includes:

- Review, consider and agree event dates
- Helping to recruit volunteers
- Review, consider and monitor Health and Safety / Risk Assessments
- Monitoring equipment and consider purchasing new, when required
- To consider reports following meetings / communication with local businesses requesting support
- Town Lengthsman attending and participating in the event

Monitoring Council services (Town Lengthsman):

Work involved includes:

- Monitoring workplan
- To consider reports following meetings / communication with the community and Kingswear Parish Council
- Monitoring budget
- Review, consider and monitor Health and Safety / Risk Assessments
- Monitoring equipment and purchasing new, when required
- Consider and agree new income streams
- Review the use of herbicide and chemicals
- Monitor vehicle inspections, accidents and compliance

Reviewing, monitoring and considering other / new projects, such as:

- Protocol for marking death of a Monarch
- Newsletter
- Civic Award
- Outstanding Sports Achievement
- Civic Award to RNLI
- Drinking Fountain
- Britain in Bloom
- Directory of Brixham Community Groups
- Community issues ie Friends of Furzeham Green request for new bollards
- Organise events for significant anniversaries ie WW1

Remembrance Parade:

Supporting the Royal British Legion in the event which is one of the largest parades in Torbay.

- Arranging Road Closure and parking suspension
- Liaising with Torbay Council and the Police
- Producing Risk Assessments and Event Management Pack
- Insuring event
- Producing the Service sheets, arranging printing and distributing
- Attending and participating in the parade and church service
- Liaising with the Town Council Chairperson to ensure they:
 - have a copy of the Psalm for the Church Service
 - have a copy of the Reading for the Parade Service
 - are aware of the expected duties for both Brixham and Churston

Town Emergency Plan

This was initially set up as a flood plan. However, the intention is to now develop this into a Town Emergency Plan to include all aspects of an emergency that may affect the Parish ie Snow, Flood and Fire. The Deputy Town Clerk is currently liaising with Torbay's Emergency Officer and trying to arrange a meeting of the working group to consider the documents received from Torbay Council.

Policies

Reviewing the following policies

- Town Centre Managed Sites policy
- Civic Award
- Outstanding Sports Achievement Award
- Blue Plaque
- Protocol for marking death of a Senior National Figure

Evaluation

Clerk to meeting: Town Clerk

Monitor, review and consider:

- Councillor Matters:
 - Attendance
 - Disciplinarys
 - Complaints
 - Training
 - Elections
 - Allowances
- Personnel Matters:
 - Staff levels
 - Employment
 - Job descriptions
 - contracts of employment
 - Appraisals
 - Disciplinarys
 - Grievance
 - Training
 - Salaries
- Service Level Agreements / Funding Agreements
 - To consider and agree the content of the documents
- Reviewing Policies and Procedures
 - In Kind Support
 - Anti-Bribery
 - Anti-Bullying
 - Code of Conduct
 - Committee Terms of Reference
 - Complaints
 - Data Protection
 - Gifts and Hospitality
 - Member Officer Protocol
 - Press and Media
 - Publication Scheme
 - Roles and Responsibilities of Outside Bodies

- Social Media
- Standing Orders
- Strategy
- Use of Email, Internet, Telephone and Social Media
- Working Group Terms of Reference
- Absence
- Adoption
- Annualised Hours Policy and Guidance
- Appraisal forms
- Capability Procedure
- Grievance
- Leave
- LGPS Discretions
- Lone Working
- Maternity
- Paternity
- Personal Protective Equipment
- Recruitment
- Staff Handbook
- Staff Induction Procedure
- Statement of Intent of Training
- Stress
- TOIL
- Whistleblowing
- Written Order
- Members Allowance
- IT Agreement
- Local Protocol for Members IT
- Council Evaluation:
 - Performance
 - Strategy

Town Hall

Clerk to meeting: Town Clerk

Monitor, review and consider:

- Maintenance / Cleaning requirements ie
 - Roof
 - Bollards / car park
 - Damp
 - Plumbing
 - Electrical
 - Gutter clearing
 - Maintenance and cleaning schedules
- Hirers and tenants
 - Usage of available spaces to hire
 - Occupancy of tenanted areas
 - Lease agreements for tenants
 - Hire / rental charges
 - Terms and conditions of hire
 - Consider and resolve any complaints or issues
 - In Kind Support Policy

- Utilities
 - Contracts and charges ensuring best value
 - Usage
 - Encouraging environmentally friendly usage ie turning out lights
- Contracts
 - Consider and agree contracts and charges ensuring best value for:
 - Waste Management
 - Electricians
 - Fire Detection
 - Building Security
 - Door access control systems
 - Telecommunication
 - Ventilation
 - Legionella
 - Asbestos
- Consider, agree and monitor regular inspections and recommendations
 - Fire Risk Assessment
 - Health & Safety / Risk Assessments
 - Asbestos
 - Electrical Period Inspection
 - Lift
 - Firefighting equipment
 - PAT testing
- Budget
 - Income
 - Expenditure
- Recommendations from the Town Hall Regeneration Working Group
- Policies
 - CCTV
 - Health and Safety
 - PAT Policy and Procedure

Working Groups

Allotment

Clerk to group: Town Clerk

To facilitate the Finance and General Purposes Committee by reviewing the management of the allotments and reporting back to the Committee any recommendations for changes to

- The management of the allotments
- The allotment agreement
- The annual charges

Policy

Clerk to group: Town Clerk

Responsibilities: To monitor and review all Council policies

To facilitate the Council by reviewing

- the adopted policies and reporting back to the relevant Committee any recommendations for changes
- policy requirements and recommending new policies

Strategy

Clerk to group: No staff attendance. Councillors only.

Responsibilities: To review the strategy of the Council

To review and monitor the strategy of the Council

(Suggest text due to Working Group Terms of Reference requiring review)

Sustainable Communities

Clerk to group: No staff attendance. Councillors only.

Responsibilities: To consider the Sustainable Communities Act and whether what, if any, the Council should be considering.

Not yet formed.

Brixham Peninsula Neighbourhood Forum

Clerk to group: No staff attendance. Councillors and resident representatives only.

Responsibilities (taken from the draft working group terms of reference):

- To facilitate implementation and delivery of the adopted Brixham Peninsula Neighbourhood Plan.
- To monitor the implementation and delivery of the adopted plan, so as to allow the plan to be reviewed and refreshed on an ongoing basis, including following the anticipated refresh of the Torbay Local Plan.
- The Chairperson or Vice Chairperson will report progress / make recommendations to Full Council and all other committees when requested to do so..

Town Emergency Plan

Clerk to group: No staff attendance. Councillors only.

Responsibilities: To encourage resident participation, upgrade the Flood plan to a Town Emergency Plan and to progress the plan to implementation. (Suggest text due to Working Group Terms of Reference requiring review)

Climate and Emergency

Clerk to group: No staff attendance. Councillors only.

Responsibilities: To consider the impact of the Climate Emergency taking into consideration waste management and use of plastics in the Town. (Suggest text due to Working Group Terms of Reference requiring review)

Community Healthcare

Clerk to group: No staff attendance. Councillors only.

The Town Council has advised the working group of its decision made on 28th November: that it believes it is in the best interest of the Council and the working group that they become a stand-alone community group. The Clerk has written to the administration support to arrange a meeting to agree a timeframe.

Town Hall Regeneration

Clerk to group: Town Clerk; supported by the Administrative Assistant.

To consider the regeneration of the Town Hall complex to provide a sustainable building for future community use.

Companies Owned by the Town Council

Shoalstone Pool CIC

- Torbay Council currently own the land.
- Brixham Town Council are the tenants. The tenancy excludes the overflow car park and kiosk.
- Shoalstone Pool CIC is wholly owned by the Town Council, but not recognised by Torbay Council. Therefore, any queries or issues from Shoalstone Pool CIC have to be directed via the Town Council.
- Brixham Town Council are the landlords to the tenant of the Café at Shoalstone. However, the lease has to be approved by Torbay Council prior to signing.

Officers do not attend Shoalstone Pool meetings, but the Town Council has appointed a representative to stand on the board.

Changes Pending

Shoalstone Pool

The Town Council has expressed an interest for the asset transfer of the entire complex including the overflow car park. A meeting has been arranged between the Town Clerk and the relevant Torbay Council Officer.

If this is successful, it will negate the need for the Town Council to liaise with Torbay Council on behalf of Shoalstone Pool CIC. It will also assist Shoalstone Pool CIC to apply for much needed funding.

Lanterns, Lights and 'luminations event

This is due to go out to tender for a contractor to manage the entire event including the lantern making workshop and parade but excluding Christmas lights. This will potentially remove a lot of pressure from the Community Services Committee and Deputy Town Clerk.

Christmas lights

A contractor currently manages the lights installation and maintenance of the lights. This is at the end of the three-year term and is due to go out to tender with the inclusion of dressing the Christmas tree. No changes to Officer involvement are anticipated.

Issuing Agenda Packs

Printing agenda packs will stop as soon as Councillors have access to a tablet enabling all Councillors to view agenda packs electronically. If Councillors have their own tablet / laptop, they will be encouraged to use them, for those that do not, Brixham Town Council will supply one.

Town Hall Committee

Plans are in place to introduce the Administrative Assistant to the Town Hall Committee and over a period of time training will take place before the Administrative Assistant takes over from the Town Clerk.

Allotment Working Group

Plans are in place to introduce the Administrative Assistant and the Town Lengthsman Supervisor to the Allotment Working Group and over a period of time training will take place before the Town Clerk hands over responsibility.

Committee Structure

Key Points to a Committee Structure

- A council can but does not have to appoint committees
- A committee of a council undertakes work for and on behalf of a council
- The specific responsibilities of a committee are confirmed by its terms of reference
- A council is responsible for the appointment of committees and their members
- Non-councillors may be appointed to most committees
- The voting rights of non-councillor members of committees are limited
- A non-councillor with voting rights is subject to the council's code of conduct. In England a non-councillor with voting rights at a meeting has statutory obligations in respect of the registration and disclosure of disclosable pecuniary interests
- A committee either has functions of the council that have been formally delegated to it or it simply advises the council on matters which relate to the performance of its statutory powers and functions
- A sub-committee is a committee appointed by a committee. The sub-committee is comprised of members of the committee and cannot exceed the responsibilities conferred on it by the parent committee.

Non-Councillors on Committees

A local council has statutory powers to appoint non-councillors to most committees and sub-committees (*Local Government Act 1972, s.102(3)*). A council cannot appoint non-councillors to a committee that regulates and controls the council's finances. (*Local Government Act 1972, s.102(3)*)

A person cannot be appointed as a non-councillor member of a committee or sub-committee if they would be disqualified from being elected or being a councillor of a local council. (*Local Government Act 1972, s.104*) A person cannot be appointed as a non-councillor on a committee if they:

- Hold any paid office or employment (other than the office of Chairperson, Vice-Chairperson or deputy Chairperson) to which they were appointed by the council or by any joint committee on which the council is represented
- Is the subject of bankruptcy restrictions order or interim bankruptcy order
- Has within five years before the day of election, or since their election, been convicted in the UK, Channel Islands or isle of Man of any offence and has had passed on them a sentence of imprisonment of at least three months (whether suspended or not) without the option of a fine
- Has been found guilty of corrupt or illegal practices or was responsible for incurring unlawful expenditure and the court orders his disqualification (*Local Government Act 1972, s.80*)

Generally, non-councillor members of a committee or a sub-committee do not have voting rights (*Local Government and Housing Act 1989, ss.13(1) and (7)*). Only in extremely limited situations do they enjoy voting rights. They may vote at meetings which concern the following:

- The management of land owned or occupied by the council
- The functions of the council as a harbour authority
- Functions of the council relating to the promotion of tourism

- Functions of the council relating to the management of a festival (*The Parish and Community Councils (Committees) Regulations 1990/2476 Regulations 3*)
- Advising the council in respect of the discharge of any of its functions (*Local Government and Housing Act 1989, ss.13(3) and (4)(e)*)

If a non-councillor is appointed to a committee or a sub-committee in which they have no statutory voting rights, they will still be summoned to attend meetings and can speak at meetings in the same way as another member of the committee.

Advantages of Committees

- Committees and sub-committees can be appointed long term or short term, as dictated by the organisation needs, activities and resources of a council
- Committees and sub-committees work for and on behalf of the council
- Advisory committees and sub-committees can save a council valuable time. The council can use them to focus on the consideration of one topic or issue in relation to the performance of a council's statutory functions and powers (eg the management of allotments or neighbourhood planning), and to make recommendations.
- Committees or sub-committees, with fully delegated powers, can make the council's decision-making process more efficient. Without them, the whole council must meet whenever it needs to make any decision about council business, responsibility for which has not been formally delegated to staff. Very regular meetings of the whole council may burden councillor's time.
- Committees and sub-committees can include non-councillors, giving a wider perspective on matters.
- Committees and sub-committees that harness the special interests, skills and knowledge of its members can be especially worthwhile.
- Committees and sub-committees can be dissolved when there is no longer a use for them.

Disadvantages of Committees

- If a council or committee assumes the responsibilities that it has delegated to a committee or sub-committee, which it is free to do, this duplicates efforts and undermines the appointment of the committee or sub-committee.
- If a council or committee routinely challenges the decisions of a committee or sub-committee with delegated responsibilities, confidence in the council as a whole is likely to suffer.
- There may be an insufficient number of councillors or non-councillors available to appoint to committees.
- Members of a committee or a sub-committee may not possess the requisite knowledge or skills.
- A council may not have adequate staff resources to support the meetings of committees and sub-committees.

Options to consider

Approval of Committee Minutes

Having viewed many other Town Council's websites, the majority of Councils consider and agree committee minutes at Full Council. This is a potential time saving exercise and can replace the Committee Chairpersons reports.

Planning and Regeneration Committee

It is noticeable that considering planning applications can sometimes be a lengthy process based on the large amount of applications. Each Councillor on the committee is delegated planning applications. The number of which will be spread as evenly as possible and is usually based on their ward and location. Other factors to consider are Councillors access to vehicles, their knowledge / understanding of certain types of applications and their disabilities. Complex or large applications are generally given to the Chair of the Committee or another experienced Councillor.

It is expected that Councillors will review the application prior to attending the Committee meeting and report their findings to the meeting. If a Councillor gives late apologies, there is an expectation that they will email their report to the office in good time for the meeting. However, this is not always the case and therefore the Committee have to review these applications at the meeting, which is hugely time consuming.

Up until about two years ago a presentation was created of all the planning applications. The presentation was time consuming to create but included location map, site plan, existing elevations and proposed elevations. Due to the increasing number of apologies from Councillors, the next Planning and Regeneration meeting will see the return of this presentation to help facilitate the planning discussion.

Having carried out research, it is evident that Town Councils comment on planning applications in their parish. In addition, Devon Association of Local Councils (DALC) offer a training course, which the Deputy Town Clerk has requested attending. It is important that, as a Statutory Consultee, the Town Council continues to comment on planning applications in the neighbourhood plan area. Therefore, there are no proposals to change this process. However, there is a need to streamline the efficiency of reviewing applications.

It is noticeable that not much time is spent on considering any regeneration. In general, it is considered that the agenda does not allow for lengthy discussions on regeneration.

Question: Should regeneration be a sub-committee or working group of the Planning Committee?

The Planning and Regeneration Committee is very heavily lead by planning applications, highways issues, licencing applications and Neighbourhood Plan with little time available to consider regeneration. To have a separate sub-committee or working group would mean that the meeting will solely consider regeneration and report their findings back to Planning.

F&GP

It is not considered that many changes should be made to this committee apart from:

1. The Finance and General Purposes Committee only consider the budget for the next financial year. The next meeting of the committee will consider the need to consider longer term budget planning for the next three years to ensure that any proposed projects in the strategy plan have been considered.

2. ***Question: Should Allotment Working Group meet more regularly?***

Currently, the working group only needs to meet periodically particularly around the annual renewal. However, it is considered that this working group could meet more regularly to consider all aspects of the Allotments reporting to F&GP. This therefore reduces the F&GP responsibilities.

3. **Question: Should Allotments be discussed at Community Services?**

Allotments are considered a Council Service and the Community Services terms of reference states "to monitor the Council services, ie Lengthsman and Information Point".

Community Services

Community Services responsibilities are increasing. Whilst, it is hoped that a successful tenderer will be appointed and thereby reduce the workload for the Committee and Officers, there are still a number of projects that the Committee are working on and have yet to achieve.

Question: Should Council Services (Lengthsman, Newsletter, Keep Brixham Beautiful, Allotments and Information Point) be reviewed under a separate Sub-Committee?

The sub-committee will only be responsible to review these services and can therefore remain focused on the task at hand. The Community Services Committee have a lot of projects to consider and this will help streamline and focus the Committee.

Sub-Committee meetings can be held during the daytime and therefore the Town Lengthsman Supervisor and the Information Assistant, for example, can attend and report to these meetings.

As an example, the Community Services Committee review the newsletter after it has been printed. However, there is a need for the committee to review the budget, advertising rates, how well the newsletter is received and whether it can be improved. Reviewing the newsletter after it has been printed is not conducive to improving the service. By having a sub-committee with a one item agenda the meeting will be more focused.

Evaluation

Currently Service Level Agreements and Funding Agreements are monitored and considered at Evaluation which makes its recommendations to Full Council.

Question: Is this the right Committee? Should F&GP consider funding agreements for all revenue applications and Community Services consider Service Level Agreements for the hire of Town Council Services?

Question: Should these be adopted at Committee level or recommended to Full Council?

Question: Should F&GP monitor revenue funding reports from Community Organisations instead of Evaluation?

Town Hall

It is recognised that the Town Hall Committee have not fully reviewed and considered the uptake on hire of rooms within the building and the Town Hall budget. These have therefore been included as standard agenda items from the next meeting onwards.

Items that go to Full Council

- Considering Torbay Council Consultations (excluding planning related consultations which are considered by the Planning and Regeneration Committee)
- Recommendations from Committees (excluding those that have delegated powers)
- Ward Councillor Reports
- Reports from Outside Bodies was removed from the agenda because this was time consuming making the meeting lengthy. However, Councillors who are representatives on Outside Bodies are expected to submit their report to the Council Office to be included in the Full Council minute annex.
- Committee Chairpersons reports.

Question: Should all Committee / Sub-Committee minutes be approved at Full Council? This may reduce time spent on this agenda item, but also ensure that all Councillors have read and understand all matters being addressed by each Committee.

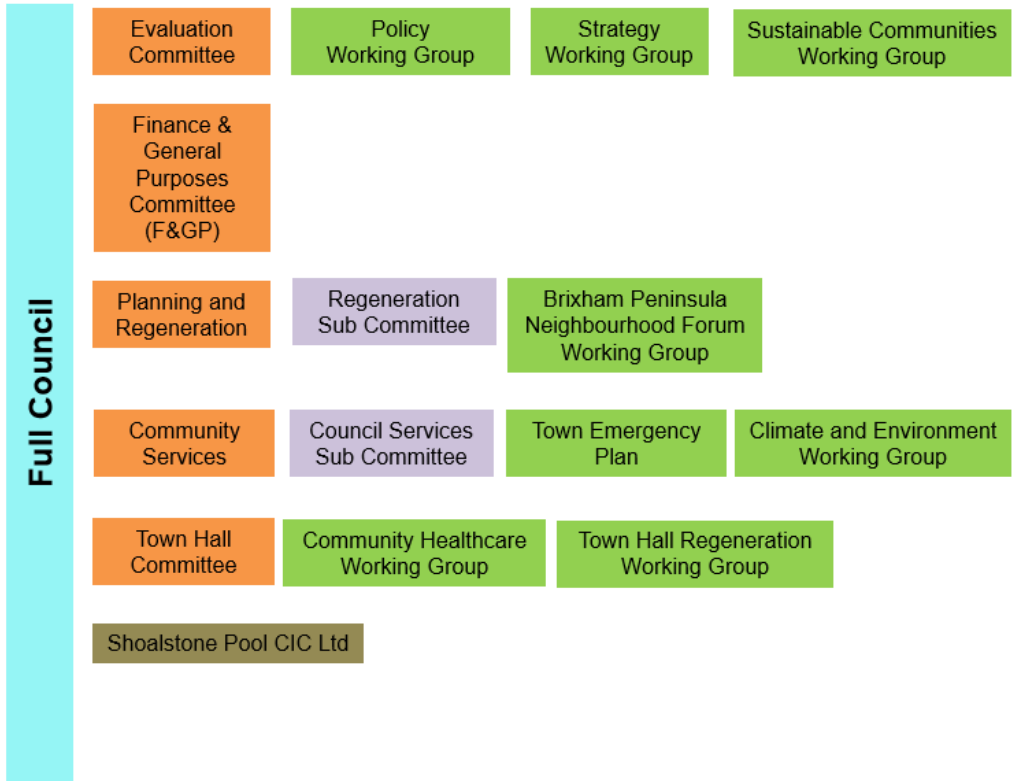
Recommendations

Outline of proposed changes in this report:

1. To rename the Planning and Regeneration Committee to Planning Committee
2. To create a Regeneration sub-committee or working group responsible to the Planning Committee
3. To dissolve the Allotment Working Group
4. Allotments be discussed at Community Services
5. To create a Council Services Sub-Committee responsible to the Community Services Committee
6. That F&GP consider funding agreements for all revenue applications
7. Community Services to consider Service Level Agreements for the hire of any Town Council Services
8. F&GP to monitor revenue funding reports from Community Organisations
9. All Committee / Sub-Committee minutes to be approved at Full Council

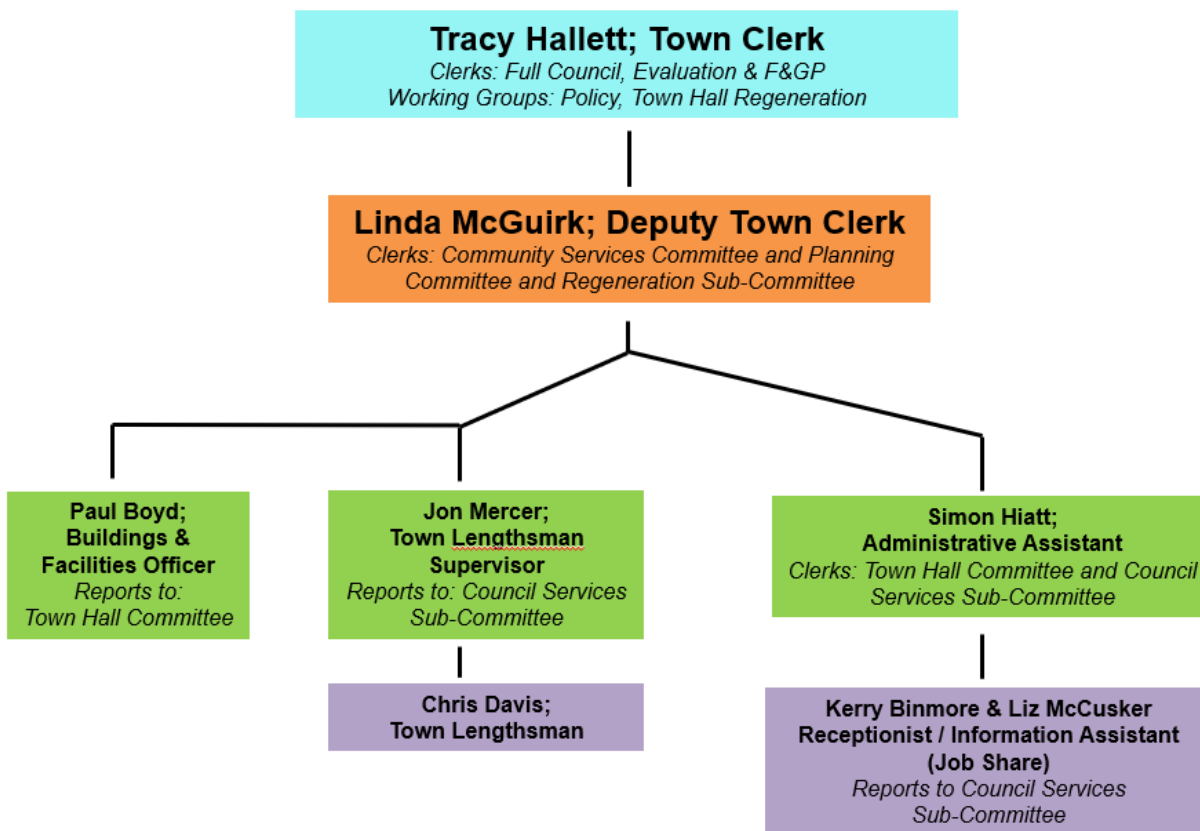
If all the above proposals in this report were approved, the Council Organisational Chart would be as follows:

Brixham Town Council Organisational Chart



With the Staff structure as follows:

Brixham Town Council Staff Structure Chart



It is recommended that these changes are implemented at the Annual Council meeting, giving time to ensure that items such as committee and working group terms of references are updated to reflect the changes.

Annex One – Committee Terms of Reference

Evaluation Committee

This committee is appointed to:

- evaluate the overall performance of Brixham Town Council (BTC) and its component committees;
- develop a long-term strategy and recommend changes in BTC policies
- To have Delegated Powers to review and authorise procedures for all personnel matters
- evaluate, review and adapt (if required) BTC specific meeting procedures;
- agree any dispensation requests with regard to the current agreed Code of Conduct;
- make decisions about all staffing matters, subject to budget and expenditure limits decided by Full Council;
- to formulate Service Level Agreements or other contracts associated with the Council's partnership working.
- to monitor the Councils Service Level Agreements for services within the community.
- consider any other matters delegated to the committee by the Council.

Format of committee

1. All recommendations on all matters, excluding personnel issues and delegated powers, must be referred to Full Council.
2. Membership to be the Chairpersons or Vice Chairpersons of the other committees, the BTC Chairperson and Vice Chairperson, with a quorum of four members.
3. The Chair to be held by the Vice Chairperson of Brixham Town Council (BTC). The Vice Chairperson to be held by the Chairperson of BTC.
4. The committee to meet quarterly or as required.
5. The agenda to be published, with items to discuss listed, three clear days in advance of the meeting.
6. Minutes to be taken and distributed with BTC papers and agreed at the next committee meeting.
7. The Town Clerk or Deputy Town Clerk to administer the Committee and undertake any correspondence required.
8. Members of the committee may vote on resolutions put to the committee.
9. Only members of the Committee may vote on resolutions put to the committee. All Councillors may attend and contribute to the meeting, unless the item to be discussed is personal to a member of staff and the committee pass a resolution to exclude members of the public, press and non-committee members for that item.

Personnel issues

The committee has the responsibility for the following:

10. To establish and keep under review the staffing structure in consultation with Full Council.
11. To draft, implement, review, monitor and revise policies for staff, including staff contracts.
12. To establish and review salary paycales for all categories of staff and to be responsible for their administration.
13. To prepare and submit budget proposals in respect of salaries and training for all staff to the Finance & General Purposes Committee (not later than each year).
14. To allocate and authorise the training budget expenditure.
15. (a) To oversee the recruitment and appointment of staff with the exception of the Town Clerk/Responsible Financial Officer (RFO), where instead it would
(b) short list applicants for the post of Town Clerk/RFO. The successful shortlisted applicants would be interviewed by the committee, before giving a presentation to Full Council on a topic relevant to current issues. A decision to appoint will be made at Full Council, following the presentations.
16. To establish and review performance management (including considering outcomes of annual staff appraisals) and staff training programmes for staff, where
 - (a) the Vice Chairperson shall conduct an appraisal of the Town Clerk annually in April, keeping a written record;
 - (b) the Town Clerk shall conduct appraisals of all staff annually in April, keeping a written record;
 - (c) the committee shall supervise the work of the Town Clerk.
17. To monitor the leave and absences chart, so as to address regular or sustained staff absence.
18. To keep under review staff working conditions and health and safety matters.
19. To consider a grievance or disciplinary matter (and any appeal) and oversee any process leading to dismissal of staff (including redundancy).
20. To consider any pay disputes and any appeal against a decision in respect of pay.
21. To ensure that confidentiality is maintained over all staffing matters under the General Data Protection Regulations and the Code of Conduct as signed by all members of the Town Council.

Council and Councillor issues

22. To establish and review member allowances and to be responsible for their administration
23. To prepare and submit budget proposals in respect of member allowances and training for all members to the Finance & General Purposes Committee (not later than each year).

24. To draft, implement, review, monitor and revise all Council policies and procedures
25. To establish and review performance management and training programmes for Councillors taking into consideration the Skills Matrix.
26. To monitor the attendance chart, so as to address regular or sustained absence.
27. To review the Councils schedule of meetings and representation at meetings for Outside Bodies
28. To review and manage Town Council Emergency Protocols

Community Services Committee

1. To respond to consultation documents and projects generated by other organisations (unless the nature of the consultation falls within the operational remit of another Brixham Town Council Committee).
2. To offer community / voluntary groups in the town the opportunity to be included in the directory located on the Town Council website. Also, inclusion, where possible, in the Brixham Signal. e.g. Lifeboat, BM Does Care, RNMDSF, Churches etc.
3. To offer community / voluntary groups holding events in the town the opportunity to be included in the events diary and community diary located on the Town Council website. Also, inclusion in the Brixham Signal.
4. To manage Council Communications, e.g. website, newsletter and social media.
5. To consider issues regarding public amenities, waste issues including recycling within the town, eg. bus shelters, benches, and implementation of environmental, amenity and clean up schemes.
6. To monitor the condition of street furniture in the Town in conjunction with groups such as "Pride in Brixham" to ensure that Torbay Council fulfil their obligations with regard to waste bins, bus shelters, seats and the war Memorial etc and to make recommendations to Council for funding for community improvements to the Town infrastructure.
7. To monitor the Council services, ie Lengthsman and Information Point.
8. To manage or facilitate the Christmas lights and other promotional and tourism related displays such as floral decoration and maintenance.
9. To have Delegated Powers to allocate and authorise Seasonal Display budget expenditure.
10. To manage all Civic Events in the town.
11. To advertise the Annual Civic Award and Outstanding Sports Achievement Award, to compile entries and resolve the winner of the Civic Award in time for presentation of the award at the Annual Meeting each May.

12. To liaise with the English Riviera Bid Company or equivalent organisation to ensure that notice of local events are prominently advertised and regularly updated including BTC noticeboards and information point.
13. To liaise with the local press in respect of BTC managed events.
14. To appoint two members to the Town Emergency Plan working group to report back to the Community Services committee in person or in writing. The appointed members shall be appointed for the duration of their term and attend relevant meetings / training in relations to their duties on the working group.
15. Membership to be 7 Councillors including the Chairperson and or Vice Chairperson and with a quorum of 4 Members, to be appointed annually.
16. Chair and Vice Chair to be elected at the first meeting of the Committee after Brixham Town Council annual meeting. If the Committee Chairperson is not able to attend the Vice Chairperson shall preside.
17. To meet quarterly or as required.
18. The Agenda to be published with items to discuss listed 3 clear days in advance of the meeting.
19. Minutes to be taken and distributed with Brixham Town Council (BTC) papers and agreed at the next Committee meeting.
20. The Town Clerk, Deputy Town Clerk or Administrative Assistant to undertake any correspondence required.
21. Only members of the Committee may vote on resolutions put to the committee. All Councillors may attend and contribute to the meeting.

Finance and General Purposes Committee (F&GP)

1. The Finance & General Purposes Committee is constituted as a Standing Committee of Brixham Town Council to improve the financial control and accountability for the Council's financial procedures and delegated full financial control of the Council's activities.
2. The Finance & General Purposes Committee has the delegated authority:
 - To oversee within relevant legislation, Standing Orders and Financial Regulations the Council's general financial administration.
 - To consider and approve invoices for payment.
 - To review the Council's income levels.
 - To review the Council's banking arrangements and investments.
 - To establish and maintain a system for internal audit of the financial administration.
 - To establish and maintain a system for internal bank reconciliation inspections.

- To consider and determine financial estimates and budgets annually, variations to them and to monitor expenditure against budget.
 - To recommend to Full Council the draft annual budget in
 - To receive and consider recommendations on policy and charges for all Town Council services and facilities.
 - To consider and agree grants applications.
 - To ensure the Council has adequate insurance arrangements in place.
 - To ensure the Annual Audit Return is completed and submitted to the external auditors within the given timescale.
 - To manage, maintain and approve annual fees of the allotments, in accordance with relevant legislation, any policy or strategy relating to the function approved by the Council and within the budget provision made by the Council.
3. The Town Clerk (RFO) or Deputy Town Clerk is to administer the Committee and undertake any correspondence required.
 4. To meet once a month or as required with the Agenda to be published with items to discuss listed 3 clear days in advance of the meeting and report back to Full Council.
 5. Minutes to be taken and distributed with Brixham Town Council (BTC) papers and agreed at the next Committee meeting.
 6. Membership to be 7 Councillors including the Chairperson, Vice Chairperson and bank account signatories, with a quorum of 4 members, to be appointed annually.
 7. Chair and Vice Chair to be elected at the first meeting of the Committee after Brixham Town Council annual meeting. If the Committee Chairperson is not able to attend the Vice Chairperson shall preside.
 8. Only members of the Committee may vote on resolutions put to the committee. All Councillors may attend and contribute to the meeting

Town Hall Committee

1. Membership to be 7 Councillors including the Chairperson and or Vice Chairperson, with a quorum of 4 members, to be appointed annually.
2. Chair and Vice Chair to be elected at the first meeting of the Committee after the annual meeting of the Council. If the Committee Chairperson is not able to attend the Vice Chairperson shall preside.
3. Only members of the Committee may vote on resolutions put to the committee. All Councillors may attend and contribute to the meeting.
4. The Town Clerk, Deputy Town Clerk or Administration Assistant is to administer the Committee and undertake any correspondence required.
5. To support and encourage use of the Town Hall complex as a community resource.

6. To work towards achieving the best levels of income possible from all areas of the Town Hall complex that can be let and to work with all of our tenants to ensure the future viability of the Town Hall for all users by maximising its availability for use by the whole community.
7. To have the delegated power to allocate and authorise the Town Hall budget expenditure and income.
8. To have the delegated power to authorise and make expenditure up to 50% of the emergency repair expenditure limit (ex VAT) in any four week period.
9. To explore options for long term funding.
10. To negotiate and agree leases for all tenants of the Town Hall complex.
11. To consider the impact of charges to users.
12. To create working groups as and when required to work with tenants and or contractors on specific Town Hall issues, including but not limited to leases, fire safety, alterations, maintenance and complaints; but excluding setting rent levels.
13. The Working groups are to report back to the Committee.
14. To report to any recommended proposals to Full Council.
15. To invite tenants of the Town Hall to have one representative on the committee. Representatives may contribute to the meeting, unless the item to be discussed is of a confidential nature and the committee pass a resolution to exclude members of the public, press and non-members for that item. For clarification, only Council members have voting rights on the committee.

Planning and Regeneration Committee

1. Delegated powers to comment on planning applications placed before it, within Brixham Town and adjacent areas and respond on behalf of the Town Council, to all consultations by Torbay Council in relation to planning applications.
2. Members of the Committee may vote on resolutions put to the Committee. All Councillors may attend and contribute to the meeting.
3. Members of the public, officers and Torbay Council officers may speak to planning applications during the meeting without the requirement to suspend Standing Orders. The time allowed for a member of the public to speak to an application is five minutes. NB Members of the public who wish to speak on items on the agenda other than planning applications being considered must do so prior to the commencement of the meeting in accordance with standing orders.
4. In the case of applications deemed by the Chairperson of the Planning and Regeneration Committee, Brixham Council and the Town Clerk to be contentious, a Full Council meeting will be called.

5. Nominate speakers to represent Brixham Town Council at Torbay Council Planning Committees.
6. To have Delegated Powers to comment on Licence applications.
7. To have Delegated Powers to comment on Tree Works applications.
8. Highway matters: monitor the condition of highways, pavements, lighting, signs and street names. Report matters of concern to Torbay Council.
9. To consider development plans (e.g. County Structure Plan, Torbay Council's Local Plan and the Brixham Peninsula Neighbourhood plan) and other development related consultation documents and to respond, on the Council's behalf, as appropriate.
10. To be the first port of call for Regeneration in Brixham, with regard to consultation with the Strategy group, and any other stakeholder groups and to receive reports back to the Planning and Regeneration Committee.
11. To consider and make recommendations to the Council on any matter relating to planning consultation processes.
12. If a Councillor is unable to attend the Planning and Regeneration Committee meeting, the Councillor should immediately advise an Officer and give written, comments and recommendations for any site visits already undertaken. The Officer should then reallocate any unvisited assigned application to an alternative member of the Planning Committee.
13. Membership to be 7 Councillors including the Chairperson and Vice Chairperson and with a quorum of 4 Members, to be appointed annually.
14. Chair and Vice Chair to be elected at the first meeting of the Committee after the Council's annual meeting. If the Committee Chairperson is not able to attend the Vice Chairperson shall preside.
15. To meet once a month, a week prior to the Torbay Council Planning Committee meetings. The Agenda to be published with items to be discussed listed 3 clear days in advance of the meeting.
16. Minutes to be taken and distributed to all Brixham Town Councillors (BTC). Minutes to be agreed at the next Committee meeting.
17. The Town Clerk, Deputy Town Clerk or Administration Assistant is to administer the Committee and undertake any correspondence required.

Substitution of members on Committees

1. Procedure for giving Notice of inability to attend a Committee meeting:
 - Members of a Committee (“Members”) will notify the Chairperson of the Committee in question and the Town Clerk’s office as soon as they are aware that they will be unable to attend the Committee Meeting.
 - Members will also notify if they are able to undertake application research, site visits and submit a report to the relevant Planning and Regeneration Committee Meeting.
 - The Member(s) concerned will notify the Chairperson and the Town Clerk’s Office if they are aware of a Councillor who is willing to substitute for them at the relevant Committee Meeting and if that Councillor is willing to undertake application research and site visits if required where the substitution is for a Planning Committee meeting.

2. Need for a substitute.
 - Arrangements for a substitute will not be instigated unless two or more Members notify that they will be unable to attend a Committee Meeting.
 - When a Member notifies they are unable to attend, the Town Clerk’s office will in the first instance arrange for a substitute to be on standby in case any further Members subsequently notify their unavailability. The Town Clerk’s office will inform the Chairperson of the relevant Committee when this has been done and the identity of the Member concerned (“the Substitute”).
 - If the number of Members able to attend falls to four or less the Town Clerk’s office will notify the Substitute(s) that they are required to attend the relevant meeting and, if applicable, to undertake Site Visits (see 4 below).

3. The standing of a Substitute on a Committee.
 - A Substitute will have full voting rights as though they are an elected member of the Committee.
 - A Substitute may vote in the manner they so choose.
 - Proxy voting is not available to Members unable to attend a Committee Meeting.

4. Planning Committee Site Visits:
 - If the Member to be substituted is so able they will undertake application research and site visits for the applications allocated to them and submit a written report to the Town Clerk’s office giving their recommendations.
 - If the Member is not able to undertake the application research and site visits then the Substitute will undertake this. In the case of a Substitute being inexperienced in planning matters the Town Clerk’s office will endeavour to allocate the most straightforward applications and guide the Substitute.

5. Planning Committee Site Review Meetings:
 - When Site Review Meetings are called by Torbay Council the Substitute will be invited in the first instance to attend such meetings on applications in respect of which they have undertaken application research and Site Visits.
 - Should the Substitute be unable to attend such a Site Review normal process will be followed and another Member invited to attend.

6. Planning Committee Substitute Training:

- Any Member who has neither (i) been on the Planning Committee before nor (ii) undertaken planning training must come to at least one planning meeting before they become a Substitute. All Councillors to which this applies must attend the earliest possible meeting after the date of adoption of this policy. Town Clerk's office to so notify those concerned.
- If the Substitute is inexperienced in planning matters and so requires, an experienced Member will accompany a Substitute on first Site Review Meeting.