

COPYTHORNE PARISH COUNCIL MEETING - 14th DECEMBER 2021

ITEM 12 - REPORT ON ADVISORY COMMITTEES

1. INTRODUCTION



In October this year the National Association of Local Councils (NALC) published "[Website accessibility and publishing guidelines](#)". The guide aims to help local (parish and town) councils ensure their websites meet the needs of all users - especially those with disabilities or impairments that use assistive technology.

The guide explains what website accessibility is, how it affects local councils, the requirements, and compliance. It details what a council must publish under the Transparency Code 2015, the costs of running a website, where to get help, what ongoing checks are needed, and discusses the future of website accessibility. The guide also contains a step-by-step guide and a range of resources.



This document gives details of what a small council, like ourselves, should publish by following: [Transparency code for smaller authorities](#).

On page 9 of this document, it states:

Minutes, agendas and papers of formal meetings

29. Smaller authorities should publish the draft minutes from all formal meetings (i.e. full council or board, committee and sub-committee meetings) not later than one month after the meeting has taken place. These minutes should be signed either at the meeting they were taken or at the next meeting.

30. Smaller authorities should also publish meeting agendas, which are as full and informative as possible, and associated meeting papers not later than three clear days before the meeting to which they relate is taking place.



Hampshire Association of Local Councils (HALC) has produced two relevant Guidance Notes: one on Working Groups and one on Committees and Sub-Committees as follows:

- HALC Guidance Note Working Groups - dated 2nd August 2021, and
- HALC Guidance Note - Committees and Sub-Committees - dated 24th August 2021;

A copy of each Guidance is appended, for reference and information to this report.

As a final reference to inform this report is what is clearly the authoritative reference for all local councillors: The Good Councillor's Guide: 2018:



2018

THE GOOD COUNCILLOR'S GUIDE



MEETINGS

Council meetings are important; this is where you play your part as a decision maker. The chairman is in charge of the meeting, and the clerk (or perhaps a deputy) supports the council as it discusses business. The meeting is the council team in action.

Council meetings and committee meetings are formal events, not social occasions. They have a clear purpose – to make decisions – and are not just talking shops. Furthermore, they are public events; the meetings must be advertised and the press and public have a right to observe, record and report on how the council operates.

The same approach should be adopted for sub-committees.

Exceptions are when sensitive issues are discussed (such as legal, contractual or staffing matters) and then the council can agree to exclude the press and public for just that item of business.

The council should decide on a schedule of meetings for the year.

Council meetings are meetings of the full council.

All councillors are expected to attend.

Committee meetings bring together a smaller number of councillors to concentrate on a specific function of the council and share the workload.

Some committees are permanent or standing committees, but others are set up for a short-term project. Many councils have a permanent Planning Committee allowing them to comment on planning applications as required without convening a full council meeting. Some committees are advisory; they make recommendations to the full council, which then makes the decisions. There are also executive committees where the full council delegates responsibility for certain decisions to the committee. The committee then reports its decisions to the full council. This helps the Planning Committee to make decisions without referring to the full council.

Sub-committees are appointed by a committee to focus discussion on a specific topic among an even smaller group of councillors. Otherwise, they operate like committees.

Working parties or 'task-and-finish' groups are occasionally set up for a short-term purpose.

They are not subject to the strict rules that apply to formal council meetings and do not need to be held in public. A working party cannot make a decision on behalf of the council, but they can explore options and present these to the council for a decision. There are rules about who is permitted to join a committee or subcommittee. Sometimes non-councillors can be included (although with a few exceptions, they cannot vote). This is an excellent means of involving others, particularly young people, in council work.

The above abstract is the complete section under Getting Under Way concerning Meetings, pages 32 & 33.

This report attempts to bring all this current information together in order that the recommendations made that relate to our Advisory Committees procedures can be understood and appreciated.

2. BACKGROUND – 2019

Following the report presented at [Item 10, at the Council meeting on 10th September 2019](#), the Terms of Reference (ToR) for Advisory Committees (previously Working Parties) was adopted subject to minor changes proposed at the meeting. This report only covered the specific Terms of Reference (ToR) for the Finance AC and the 5 Year Plan AC.

These ToR were, following the meeting, added to the Council's website.

At this time the ToR contained the following statement:

As an Advisory Committee public notice of meetings or public admission to meetings is not required.

At subsequent Council meetings additional ACs were added and various changes and appointments made to ACs.

3. BACKGROUND - 2020

Clerk's Report to meeting 14th July 2020

The full addendum being the last page this report is shown below:

Clerk's response to Cllr. Goodwin's questions regarding public release of notes of Advisory Committee Meetings

BACKGROUND

On July 1st 2020, in connection with the work being undertaken by Cllr. Chillcott on the Parish Design Statement, Cllr. Goodwin sent me an e-mail (copied to all councillors) containing the following questions:-
"Am I correct in my understanding that if a request was made under our published Information and Data Protection Policy for the notes of an advisory committee meeting, such information would have to be provided? Clearly the Freedom of Information details currently on our website needs updating. On this basis can you please confirm that there is no reason why I, as a councillor, cannot circulate the notes of an advisory committee meeting outside the Council?"

ACTIONS TAKEN

On July 2nd 2020 I responded to Cllr. Goodwin (copied to all councillors) as follows:
"I will need to take external advice before I am in position to answer your two questions. As soon as I have answers I will be back in touch".

PRESENT POSITION

Having sought the guidance of the Society of Local Council Clerks I am able to report the outcome to Council.

In answer to Cllr. Goodwin's first question I can confirm that a member of the public is entitled to see copies of the notes. It therefore follows that the answer to Cllr. Goodwin's second question is that he (or any councillor) can circulate the notes once they have been published.

The guidance I have received though has raised other points which I didn't appreciate due to my lack of experience as a Clerk when I was asked by Cllr. Goodwin at my first Council meeting in May 2019 to establish the Terms of Reference for what were then termed "Working Parties". (Minute 249/19).

In short, it was right to move away from Working Parties". I have been pointed to The Good Councillor's Guide which describes these as follows:- *Working Parties or "task and finish groups are occasionally set up for a short term purpose. They are not subject to the strict rules that apply to formal council meetings and do not need to be held in public. As all of our Advisory Committees (previous working parties) have ongoing roles rather than a short term purpose they should not be "Working Parties".*

The Council's requirement for membership to be confirmed by Council and for Terms of Reference to be in place though mean that the workings of our Advisory Committees should be public.

ACTIONS REQUIRED

So, going forward, the following needs to happen:-

1. Notes of all previous Advisory Committee Meetings will (subject to redaction of any confidential matters) be placed on our website (under a new tab within the "Meetings" section).
2. Meeting dates for future Advisory Committee Meetings will be published on our website (as above).
3. Public attendance (but not involvement, unless agreed by Council) will be allowed in accordance with the Local Government Act 1972 (s.100).
4. Notes of all future Advisory Committee Meetings will be placed on our website (as above).
5. I will review the Terms of Reference for all Advisory Committee and bring forward for adoption at our next Council meeting on September 8th 2020 amendments to reflect the above requirements.

Clerk's Report to meeting 8th September 2020

At the 8th September 2020 Council meeting, as Item 14 a report was presented by the Clerk to put the above actions into place. This involved the following actions:

- In accordance with the Local Government Act 1972 (s.100) the public are able to attend and observe meetings of the "xx" Advisory Committee but do not have the right to participate (unless invited to do so by the Chairman of the meeting). Dates of meetings will be published on the Council's website.
- Agendas are to be prepared by the Clerk in consultation with the Chair of the "xx" Advisory Committee and distributed to all members of the Council at least five working days prior to any meeting. The Clerk is to arrange for a copy of the agenda to be added to the Council's website at least three working days prior to any meeting.
- The Clerk (or in his absence from the meeting an appointed member of the "xx" Advisory Committee) is - within five working days of the meeting - to forward to the Chairman of the "xx" Advisory Committee notes of the meeting for approval. The approved notes are to be distributed to all members of the Council within seven working days of the meeting. A copy is also to be published on the Council's website at the same time.

With these amendments in place this is basically the "[Advisory Committees – Terms of Reference](#)" that is currently available under the Policies and Procedures section of the Council's website.

4. COUNCIL'S OPERATING FRAMEWORK

At the Council meeting on [13th October 2020, at Item 16](#), the Council reviewed and reissued its Operating Framework. The current adopted "[Operating Framework](#)" is available under the Policies and Procedures section of the Council's website.

This document summarises how Copythorne Parish Council operates. It is designed as a quick reference point for members of the public, and an "aide memoire" for officers and councillors.

This document has sections on:

- The Council
- Committees
- Councillors
- Meetings of Council
- The Parish Clerk
- Financial matters, and finally
- Relationship between Clerk and Councillors.

5. CURRENT ADVISORY COMMITTEE - TERMS OF REFERENCE POLICY DOCUMENT

The current adopted policy document "[Advisory Committees: Terms of Reference](#)" has a considerable amount of what may be considered unnecessary preamble and repetition under the heading "Introduction" on pages 3, 4 & 5.

This, it is suggested, leads to a fogging of the purpose of the document, which is to present the ToR's of the Council's Advisory Committees in a concise and readable format.

It is further suggested that the adopted policy document "Operating Framework" is the correct location for much of the relevant preamble currently within the ToR document.

It is a matter of fact that much of this information is already present within the Operating Framework document and presented in a much more concise and readable format. This may be because this document was created using the document prepared by our neighbouring Lyndhurst Parish Council and titled "[Lyndhurst Parish Council – Operating Framework](#)".

It is suggested that the whole of Introduction within “Advisory Committees: Terms of Reference” which includes Purpose of this Document; Definitions; The Council; Parish Councillors; The Chairman (Chair) is removed from this document. It is further suggested that this document should be reformatted to have a cover sheet with a brief statement on the role of Advisory Committees and list the current five ACs that exist.

With all the information presented in this report it is proposed that the Clerk should be requested to consider the legacy issues that remain with the change from Working Groups to Advisory Committees. If they are all to remain as Advisory Committees then they should follow the requirements of the appended HALC Guidance Note, most importantly in respect of following the advice on agendas, notices of meetings and minutes.

6. RECOMMENDATIONS

It is recommended that:

1. The Clerk is requested to prepare a new cover sheet/introduction for “Advisory Committees: Terms of Reference” adopted document for consideration by the Council at the meeting on 8th February 2022 based on the comments above.
2. The Clerk is requested to consider the existing Terms of Reference of each of the current five Advisory Committees in the light of the information contained within this report and make recommendations for any changes required to overcome any legacy issues and inconsistencies that are now apparent, also reporting to the meeting on 8th February 2022.

Attachments:

HALC Documents:

- HALC Guidance Note Working Groups - dated 2nd August 2021, and
- HALC Guidance Note - Committees and Sub-Committees - dated 24th August 2021

By: John Goodwin Issued: Tuesday 30th November 2021

