

KESGRAVE TOWN COUNCIL
Terms of Reference for new Council Year 2018-2019

This document sets out the Terms of Reference, outlining the scope and delegated authority for decision making by the Council and its Committees.

GENERAL PROVISIONS

1. These Terms of Reference are subject to the Town Council's Standing Orders and Financial Standing Orders/Financial Regulations and statute within its powers as a Town Council.
2. Subject to the Town Council's Financial Standing Orders/Financial Regulations or other policies as may be applicable, any delegated powers of Committees are set out. All Councillors receive copies of Town Council Committee papers. Any recommendations from Committee Meetings will be reported to the full Town Council for its subsequent approval.
3. Sub-Committee Meetings will not have any delegated powers. Any recommendations made from these will need to be approved by either the appropriate Town Council Committee (depending upon delegated powers), or a relevant full Town Council Meeting.
4. The Council, or any Committee within the provisions of its Terms of Reference, may nominate any of its Members and/or the Town Clerk/other Officer to represent the Council at external organisations. For more civic related events, this should be the Chairman or Vice Chairman of the Council and/or any Officer or Councillor of the Council and as agreed by the Chairman.
5. All Committees may make Budget bids within their agreed budgets, in accordance with the Council's Financial Standing Orders/Financial Regulations, which need to be approved by the full Town Council. Once the Budget has been approved by the full Council, then Committees have the powers to spend their respective Budget provision throughout the Council year and within the Committees respective delegated powers. Updates will be received via the full Council, as it receives copies of all Committee Agendas, Papers and Minutes.
6. If the delegated powers of any Committees fall outside of the scope of that Committee for any agenda items, then appropriate recommendations will be made to the full Town Council or an appropriate agenda item will be considered by the full Council.

DELEGATED POWERS

Members will be advised by the Town Clerk whether or not a particular item under discussion is within the Committee's delegated powers. The Minutes will then record the decision as "RESOLVED" or "AGREED". If it is not, then the Minutes will show the decision as "RECOMMENDED", and will then be brought to the full Town 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.

Kesgrave Town Council Composition and Membership to the following Committees:

Finance and Governance Committee
HR (Human Resources) Committee (Appeals
Committee where needed from the HR
Committee)
Community & Recreation Committee
Planning & Development Committee

COUNCIL

Members (16): All Town Councillors

Chairman: Elected at Annual Town Council Meeting

Vice-Chairman: Elected at Annual Town Council Meeting

The Quorum will be at least one third of the Council

To carry all statutory functions reserved to the Council, including but not limited to:

1. To approve the Annual Budget and Precept demand.
2. To approve expenditure against General Fund/Earmarked Reserves and any virements across Committee budgets.
3. To review and amend the Standing Orders and Financial Standing Orders/Financial Regulations and the functions and constitution of the Committees of the Council.
4. To note and agree the Schedule of Meetings of the Council and its Committees.
5. To approve the appointment or nomination by the Council of persons to fill vacancies on outside bodies.
6. To take appropriate action and make resolutions or agreements on the recommendations of Committees, Sub-Committees or Steering Groups of the Council as necessary.
7. To review these Terms of Reference and delegated authority provided to Committees and the Town Clerk and or/RFO (Responsible Financial Officer), from time to time, but at least once per annum.
8. The appointment and performance of the Town Clerk and to receive updates via the HR Committee or the Finance and Governance Committee as appropriate.
9. To approve Schedules of Accounts for Payment at each full Meeting.
10. To authorising the sealing of legal documents, leases, contracts and licences where authority to do so is not provided elsewhere. (Sealed Tendering process).
11. To respond to major consultations and those outside of the scope of other Committees. (The Planning and Development Committee has full delegated powers).
12. To receive the External Audit report and approve the Annual Return.
13. To consider any matters within the Terms of Reference of another Committee or Sub-Committee at any time, but at least once per annum.
14. To consider all other matters outside of any other Committee's Terms of Reference.

FINANCE and GOVERNANCE COMMITTEE

Members (Minimum of 5): Membership and composition to be appointed at the Annual Town Council Meeting.

Chairman of this Committee: Appointed at the first new Finance and Governance Committee. (The Chairman of the Council or the previous Committee Chairman will take the Chair for this first item of business).

Vice-Chairman of this Committee: Appointed by the first new Finance and Governance Committee. (The new Chairman of the Committee will then take the Chair for this item of business and the ensuing Meeting).

The Quorum will be half of the membership of this Committee.

Key Responsibility:

To regulate, manage and control the finances, resources and staffing of the Council, including the recommendation to the full Council of the annual Budget and Precept in accordance with Financial Regulations.

Delegated Authority:

1. Expenditure against the Council's Administration Budget, including virements within the budget as set by the Council.
2. Monitoring the Council's Monthly Accounts Reports and taking appropriate action to ensure compliance with the Budget.
3. Coordination of Annual Budget Estimates from all Committees for recommendation to the full Council for approval.
4. To liaise with the Council's Press Officer regarding the communications and media such as the Town Council website, liaison with the press, radio, tv and social media, such as Facebook and Twitter.
5. Reviewing the Council's ICT provision
6. Review, Implement or Recommend policies to the Council on matters relating to:
 - i. Insurance
 - ii. Risk management
 - iii. Financial control/Audits
 - iv. Financial Standing Orders/Financial Regulations and Standing Orders
 - v. Investments
 - vi. Loans
 - vii. Long term Plans and Strategy, including succession management
 - viii. Legal issues
 - ix. Grants and Schedule of Grants
7. To make resolutions and decisions in accordance with the Council's Standing Orders and Financial Standing Orders/Financial Regulations regarding policy and strategic matters and also HR/staffing, with the support of the HR Committee, relating to all of the above.
8. To review the Staffing Structure/HR matters (with the HR Committee) and Draft Budget on an annual basis, making recommendations to the full Council for approval of the Budget. From time to time, consider the succession management of the Staffing Structure with the HR Committee.
9. To review and authorise amendments with the HR Committee, to the Staffing Structure, grades, salary, national agreements, employment law updates and/or terms and conditions of employees, contracts and Staff Handbook reviews, (incorporating Health and Safety). For the annual salaries Draft Budget, the Committee will make recommendations to the full Town Council.

10. To consider and review all Policies of the Town Council regularly, but at least on an annual basis.
11. To make resolutions and decisions regarding policy and strategic matters relating to all of the above and within the Committee's laid down delegated powers. For any matters as stated above, which fall outside of the Committee's delegated powers, then recommendations in confidence, will be made to the full Town Council.

HR (Human Resources) COMMITTEE

Members (5): Members to be appointed at the Annual Town Council Meeting.

Chairman of this Committee: Appointed at the first new HR Committee. (The Chairman of the Council or the previous Committee Chairman will take the Chair for this first item of business).

Vice-Chairman: Appointed by the first new HR Committee. (The new Chairman of the Committee will then take the Chair for this item of business and the ensuing Meeting).

The Quorum will be half of the membership of this Committee

Key Responsibility:

Matters relating to the recruitment, management, wellbeing and HR of the Council's employees, including Appeals, with support from the Finance and Governance Committee.

Delegated Authority:

1. To review the staffing structure and budget on an annual basis, making recommendations to Council.
2. To review and authorise amendments to the staffing structure, grades and/or terms and conditions of employees in-year within the salaries budget set by Council or to otherwise make recommendations to Council with the Finance and Governance Committee.
3. To oversee the management of Health & Safety and the Council's corporate responsibilities as an employer.
4. To review and approve HR-related policies and procedures and regularly review (at least bi-annually), the Staff Handbook.
5. To ensure compliance with personnel-related statutory requirements and legislation.
6. To act as the first stage in grievance or disciplinary hearings, via the Appeals Committee set up as and if appropriate/required from the HR Committee.
7. To hear complaints from the public and external organisations regarding the Council's administration.
8. To make recommendations to Council regarding policy and strategic matters relating to all of the above.
9. Annual Appraisal of the Town Clerk (Via the HR Committee and Chairman of the Council).
10. To make recommendations as appropriate, regarding policy and strategic HR/staffing matters with the support of the Finance and Governance Committee, relating to all of the above.
11. To oversee the management of Health & Safety and the Council's corporate responsibilities as an employer. (Staff Handbook).
12. To review and approve HR -related policies and procedures, with the Finance and Governance Committee.
13. To ensure compliance with HR related statutory requirements and legislation.

14. To act, via the Clerk, as the first stage in grievance or disciplinary hearings, unless the proceedings relate to the Clerk, in which case the HR Committee, the Chairman of the Council and Chairman of the Finance and Governance Committee will lead with these matters.
15. This HR Committee, following approval of the full Council and in confidential session, has the powers to set up a temporary Appeals Sub-Committee, if appropriate. Membership and composition needs to be a minimum of 3 members of the HR Committee or/and the Finance and Governance Committee, where membership should include the Chairman or Vice Chairman of the Council.
16. To hear complaints from staff, councillors, the public and external organisations with the support of the Council's Finance and Governance Committee regarding the Council's administration if received via the Council's formal Complaints Procedure. (Full details in the Council's Standing Orders).

COMMUNITY & RECREATION COMMITTEE

Members (Minimum of 5): Members to be appointed at the Annual Town Council Meeting.

Chairman: of this Committee: Appointed at the first new Community and Recreation Committee. (The Chairman of the Council or the previous Committee Chairman will take the Chair for this first item of business).

Vice-Chairman of this Committee: Appointed at the first new Community and Recreation Committee. (The new Chairman of the new Committee will take the Chair for this item of business).

The Quorum will be half of the membership of this Committee

Key Responsibility:

To oversee, support and develop opportunities for engagement with other community stakeholders and to raise the profile of the services provided by the Town Council. To oversee the management and maintenance of Council's land and property assets and those related services directly provided or commissioned by the Council. To work closely, engage and support young people and the Youth of the Town.

Delegated Authority:

1. Expenditure against the Council's Community & Recreation Budget, following approval of the Draft Budget and its recommendations by the full Council, including virements within the agreed Budget as set by the Council.
2. To recommend annual Budget estimates for the Community & Recreation Committee to the Council's Finance and Governance Committee and subsequent approval by the full Council. Once the Budget has been agreed, the Community and Recreation Committee will have some delegated powers.
3. To consider and agree applications for Occasional Grants as identified from this Committee and not dealt with by the Finance and Governance Committee. or any expenditure of the Community and Recreation Committee fund allocations.
4. To consider opportunities for participation with community projects or working in partnership for the benefit of Kesgrave and to make recommendations, resolutions and decisions in this regard.
5. To receive reports and updates on matters related to recreation, leisure, tourism and sport and to make relevant resolutions and decisions in this regard.
6. To oversee and agree the use of any outstanding S106 (Section 106 Planning Obligations of the Town and Country Act 1990 as amended) and CIL (Community Infrastructure Levy), or other funding related to the same, including funding streams and to make grant applications to external providers.
7. To monitor the financial performance, quality and effectiveness of service provision, via Town Council Officers, reporting back to the full Council via this Committee's Minutes as appropriate.
8. To review and agree scales of Fees and Charges.
9. To ensure the Council's land, property and assets are protected from loss, damage, encroachment or similar issues, reporting and updating the full Council as appropriate via this Committee's Minutes and for approval of any recommendations.
10. To ensure the Council's obligations as land and property owners are fulfilled, reporting as appropriate to the full Council.
11. To make recommendations to Council regarding policy and strategic matters relating to all of the above.

PLANNING & DEVELOPMENT COMMITTEE

Members (Minimum of 5): Members to be appointed at the Annual Town Council Meeting.

Chairman: of this Committee: Appointed at the first new Planning and Development Committee. (The Chairman of the Council or the previous Committee Chairman will take the Chair for this first item of business).

Vice-Chairman of this Committee: Appointed at the first new Planning and Development Committee. (The new Chairman of the new Committee will take the Chair for this item of business).

The Quorum will be half of the membership of this Committee

Key Responsibility:

As a statutory consultee of the Local Planning Authority, (LPA) – District Council, to consider all planning applications received from the LPA and make recommendations on behalf of the Town Council. Also, recommendations on any County Deemed Applications (Suffolk County Council).

Delegated Authority:

1. To comment on planning applications and other development control matters for the Town, including for County Deemed Applications. (Suffolk County Council applications).
2. To respond to consultations on matters relating to planning, development or the local environment.
3. To receive correspondence relevant to the Committee.
4. To comment on appeals lodged following the refusal of planning approval.
5. To appoint a Councillor to represent the views of the electorate and the Town Council at any given LPA Planning Committee Meeting.
6. To appoint a Councillor who will represent the Town Council at any Pre-Inquiry or Inquiry.
7. To receive reports on matters related to highways services delivered in the Town.
8. To make recommendations to Suffolk County Council Highways Committee for changes in highways delivery in the Town.
9. To make recommendations to the full Town Council regarding policy and strategic matters relating to all of the above.

As a statutory consultee of the Local Planning Authority, (LPA) – the District Council; to consider all planning applications received from the LPA/District Council and make recommendations on behalf of the Town Council. Also, any County Deemed Applications (Suffolk County Council).

Delegated Authority to the Town Clerk/Responsible Financial Officer (RFO)

Subject to any further delegation by Committees, the Town Clerk or the Responsible Financial Officer (RFO), will have delegated authority to: -

1. Incur expenditure within budgets on the budget related to the provision of the Town Council administration, without further approval by the Committee or full Council and in accordance with the Council's Standing Orders and Financial Standing Orders//Financial Regulations.
2. Within the agreed staffing establishment and budget, and subject to approval by the full Council, to vary working hours of established staff, and to recruit both permanent, casual and contract staff.
3. To write off assets that do not the value of £350, in accordance with the Council's Standing Orders and Financial Standing Orders/Financial Regulations.
4. To make investments, in accordance with the Council's agreed policy and subsequent Council approval.
5. To arrange via the relevant agencies and authorities to remove any person/s from Council premises or land as appropriate.
6. To produce and/or edit any Council news articles in consultation with the Chairman, as the Press Officer of the Council.
7. To implement, where timescales require, any legislation which may affect the Town Council and to report its implementation to the Full Council at its next appropriate full Meeting or if appropriate, at an Extraordinary Meeting.

Sub-Committee Meetings – Please refer to the separate Terms of Reference.

The Quorum will be half of the membership of these Sub-Committees as per the Town Council Committee Meetings.

- Neighbourhood Plan Steering Group/Sub-Committee;
- Play Area and Open Spaces Sub-Committee;
- Transport and Pedestrian Sub-Committee.

Possible Temporary Working Parties/Groups

Issues that require further focus or expertise may be delegated to Working Parties set up by the Town Council or one of its Committees or Sub-Committees. These act in an advisory capacity only and make recommendations to Council or Committee or Sub-Committees. Working Group Meetings are not usually open to the public. For example, a temporary Working Group set up via the Town Council's Planning and Development Committee to look at and consider the new Local Development Plan for the District etc.

LAST REVIEWED; 14th May 2018
NEXT REVIEW DUE; April/May 2019