

KESGRAVE TOWN COUNCIL

Terms of Reference

Council Year 2019- 2020

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 Regulations.
2. Subject to the Town Council's Standing Orders and Financial Regulations or other policies as may be applicable, all Committees, have delegated powers. Any decisions will be reported to the full Town Council. The full Town Council will also receive copies of all Committee minutes at its full meetings.
3. Working/Steering Group meetings will not have delegated powers. Any recommendations made by these Forums will need to be approved by either the appropriate Town Council Committee or 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 Town Council at external organisations. For more Civic related events, this should be the Chairman or Vice Chairman of the Council and/or any Officer of the Council and as agreed by the Chairman of the Council.
5. All Committees may make Budget bids within their agreed budgets, in accordance with the Council's Standing Orders and 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.
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/Officer 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". This will then be brought to the full Town Council's attention by the Chairman of the Committee at the next meeting of the Council when seeking agreement of the Committee's minutes.

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Kesgrave Town Council Composition and Membership to the following Committees:

Finance & Governance 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 new Chairman of the Council will take the Chair for this first item of business and the ensuing meeting).

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 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 or Working/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 year.
8. The recruitment, appointment and performance of the Town Clerk and to receive updates via the Finance & Governance Committee.
9. To approve Schedules of Accounts for Payment.
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.
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 Working/Steering Group at any time.
14. To consider all other matters outside of any other Committee's Terms of Reference.

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FINANCE & GOVERNANCE COMMITTEE

Members (Minimum of 5): Membership and composition to be appointed at the Annual Town Council Meeting, to **include the Chairman of each Committee and the Chairman and Vice Chairman of the Council. Ideally the previous Chairman of the Council also, (if relevant).**

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

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

Key Responsibility:

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

Matters relating to the recruitment, management and HR of the Council's employees, including Appeals.

Delegated Authority:

1. Expenditure against the Council's Administration Budget (excluding the use of Reserves), 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. Standing Orders and Financial Regulations.
 - 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 Regulations regarding policy and strategic matters and also HR/staffing relating to all of the above.
8. Annual Appraisal of the Town Clerk. (Chairman of the Council and/or Vice Chairman of the Council will conduct).
9. To review the Staffing Structure/HR matters and Draft Budget on an annual basis, making recommendations to the full Council for approval of

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the Budget. From time to time, consider the succession management of the Staffing Structure.

10. To review and authorise amendments 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.
11. Within the agreed budget; tender, renew or renegotiate any existing contracts for services overseen by the Finance & Governance Committee. For example; HR services, legal services, IT services etc.
12. To oversee the management of Health & Safety and the Council's corporate responsibilities as an employer. (Staff Handbook).
13. To review and approve HR related policies and procedures.
14. To ensure compliance with HR related statutory requirements and legislation.
15. 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 Chairman of the Council will lead with these matters.
16. This Committee, following approval of the full Council and in confidential session, has the powers to set up a temporary sub-Committee, if appropriate, known as an Appeals Committee. Membership and composition need to be a minimum of 4 members of the Finance & Governance Committee, where membership should exclude the Chairman of the Council.
17. To hear complaints from the public and external organisations regarding the Council's administration if received via the Council's formal Complaints Procedure. (Full details in the Council's Standing Orders).
18. 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.

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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 meeting. (The new Chairman of the Council will take the Chair for this first item of business).

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

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 Kesgrave Town Council's Youth Club and the young people of the Town.

Delegated Authority:

1. Expenditure against the Council's Community & Recreation Budget (excluding the use of Reserves), 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 & Governance Committee and subsequent approval by the full Council. Once the Budget has been agreed, the Community & Recreation Committee will have delegated powers
3. To consider and agree applications for Occasional Grants as identified from this Committee and not dealt with by the Finance & Governance Committee. or any expenditure of the Community and Recreation Committee Fund allocation.
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 recommendations, 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. Within the agreed budget; tender, renew or renegotiate any existing contracts for services overseen by the Community and Recreation Committee. For example; Cemetery Maintenance Contract, Handyman, grass cutting, Youth Club etc.

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10. 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.
11. To ensure the Council's obligations as land and property owners are fulfilled, reporting as appropriate to the full Council.
12. To make recommendations to Council regarding policy and strategic matters relating to all of the above.

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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 meeting. (The Chairman of the Council will take the Chair for this first item of business).

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

Key Responsibility:

As a statutory consultee of the Local Planning Authority, (LPA) – East Suffolk Council (ESC), to consider all planning applications received from ESC 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 who (with the Clerk) will represent the Town Council at any ESC Planning meeting, Pre-Inquiry or Inquiry.
6. To receive reports on matters related to highways services delivered in the Town.
7. To make recommendations to Suffolk County Council Highways Committee for changes in highways delivery in the Town.
8. To make recommendations to the full Town Council regarding policy and strategic matters relating to all of the above.

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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 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 under the value of £350, in accordance with the Council's Standing Orders and 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.

Sub-Committees

Please refer to the separate Terms of Reference.

- Neighbourhood Plan Sub-Committee

Working/Steering Groups

Issues that require further focus or expertise may be delegated to Working/Steering Groups set up by the full Town Council or one of its Committees or Sub-Committees.

These should act in an advisory capacity only and make recommendations to the full Council or a Committee or Sub-Committee.

Working/Steering Groups are usually only set up for the duration of a specific task.

They may be closed meetings or open to the public and include experts and representations as and when required.

Please refer to the separate Terms of Reference.

- Play Area and Open Spaces Working Party
- Transport and Pedestrian Working Party

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Policy Approved: by Full Council 18.03.19

Next Review Due: March 2020