

KESGRAVE TOWN COUNCIL

Terms of Reference



This document sets out the Terms of Reference outlining the scope and delegated authority for decision-making by Council and its Committees acting as a corporate body undertaking activities conferred upon it by statute, the most important of which is the Local Government Act 1972.

GENERAL PROVISIONS

1. These Terms of Reference are subject to Council's Standing Orders and Financial Regulations.
2. Subject to 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 Council. The full 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 Council Committee or full Council meeting.
4. Council, or any Committee, within the provisions of its Terms of Reference, may nominate any of its members and/or the Clerk/other Officer, to represent Council at external organisations. For more Civic related events, this should be the Chair or Vice Chair of Council and/or any Officer of Council and as agreed by the Chair of Council.
5. All committees may make bids for expenditure to be included in the budget, in accordance with Council's Standing Orders and Financial Regulations, which need to be approved by full Council. Once the budget has been approved by full Council, then committees have the power to spend their respective budgetary allocation throughout the Council year and within the committee's respective delegated powers.
6. If the delegated powers of any committee falls outside of the scope of that committee for any agenda items, then appropriate recommendations will be made to full Council or an appropriate agenda item will be considered by full Council.

EXERCISE OF DELEGATED POWERS

Members will be advised by the 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 full Council attention by the chair of the committee at the next meeting of full Council when seeking agreement of the committee's minutes.

STANDING COMMITTEES

These are the:

- Community & Recreation Committee
- Finance & Governance Committee
- Planning & Development Committee

FULL COUNCIL

Members (14): All Councillors

Chair: Elected at Annual Town Council Meeting.

Vice-Chair: Elected at Annual Town Council Meeting. (The new Chair of Council will take the Chair for this first item of business and the ensuing meeting).

To carry out all statutory functions reserved to 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 Council.
4. To note and agree the Schedule of Meetings of council and its committees.
5. To approve the appointment or nomination by 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 Council as necessary.
7. To review these Terms of Reference and delegated authority provided to committees and the Clerk and Responsible Financial Officer (RFO), from time to time, but at least once per year.
8. The recruitment, appointment and performance of the 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 committees' terms of reference.

FINANCE & GOVERNANCE COMMITTEE

Members (Minimum of 5): Membership and composition to be appointed at the Annual Town Council Meeting, to include the Chair and Vice Chair of Council and the Chair of each Committee once elected.

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

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

Key Responsibilities:

- To regulate, set plans, manage and control the finances, resources and HR/staffing of Council, including the recommendation to Council of the annual budget and precept in accordance with our Financial Regulations.
- To oversee the running of Council's operations through the Officers and staff including the office, the Millennium Jubilee Hall and its hirings.

Delegated Authority:

1. Expenditure in line with Council's administration budget (excluding the use of reserves), including virements within the budget as set by Council.
2. Monitoring Council's monthly accounts and taking appropriate action to ensure compliance with the budget.
3. Production and review/update of the Business Plan and Emergency Plan.
4. Coordination of annual budget estimates from all committees for recommendation to Council for approval.
5. To liaise with Council's Press Officer regarding the communications and media such as the Council website, liaison with the press, radio, tv and social media.

6. Reviewing Council's ICT provision.
7. Review and update existing policies and recommend new policies to Council on matters relating to:
 - i. Internal controls including audits and expense reimbursement
 - ii. Standing Orders and Terms of Reference
 - iii. Financial Regulations including insurance, loans & investments, and risk management
 - iv. Long term plans and strategy, including succession management
 - v. Legal issues and complaints handling
 - vi. Community engagement strategy and social media
 - vii. Code of conduct and transparency
 - viii. Equality and diversity
 - ix. Grants approval
 - x. Environmental and land ownership/acquisition
8. To make resolutions and decisions in accordance with Council's Standing Orders and Financial Regulations regarding policy and strategic matters and also HR/staffing relating to all of the above. For any matters that fall outside of the Committee's delegated powers, then recommendations in confidence, will be made to Council.
9. Annual appraisal of the Clerk. (Chair of Council and/or Vice Chair of Council will conduct).
10. To review staffing resources and any HR matters in conjunction with the draft budget pertaining thereto on an annual basis, making recommendations to Council for approval. From time to time, consider succession management.
11. To review and authorise amendments to staffing, grades, salary, national agreements, employment law updates and/or terms and conditions of employees, contracts and staff handbook, (incorporating Health and Safety), where appropriate making recommendations to Council.
12. 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 and IT services.
13. To oversee the management of Health & Safety and Council's corporate responsibilities as an employer.
14. To ensure compliance with HR related statutory and regulatory requirements through the staff handbook and contracts of employment.
15. To ensure compliance with staff grievance or disciplinary procedures in accordance with the staff handbook and Acas guidelines. Noted that where a complaint about a staff member, Councillor or about Council's administration originates from a non-staff person or organisation, Council's Complaints Policy and Procedure will take effect.

COMMUNITY & RECREATION COMMITTEE

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

Chair: of this Committee: Appointed at the Annual Town Council meeting.

Vice-Chair of this Committee: Appointed at the first new Community and Recreation Committee meeting.

Key Responsibilities:

- To oversee, support and develop opportunities for engagement with other community stakeholders and to raise the profile of the services provided by Council.
- To oversee the management and maintenance of Council's land and property assets and those related services directly provided or commissioned by Council.
- To work closely, engage and support Council's Youth provision and the young people of the town.
- To oversee the running of Kesgrave Market and community events e.g. Fun Day, Christmas Lights Switch On, Firework Night.
- To liaise with other community stakeholders, including higher local government tiers, to proactively contribute to solutions to the climate emergency, conservation work and public transport.

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 Council, including virements within the agreed budget as set by Council.
2. To recommend annual budget estimates for the Community & Recreation Committee to Council's Finance & Governance Committee and subsequent approval by Council. Once the budget has been agreed, the Community & Recreation Committee will have delegated powers to make expenditure on items budgeted to the limits agreed.
3. To consider and agree applications for occasional grants as identified 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 Council Officers, reporting back to 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.
10. To ensure Council's land, property and assets are protected from loss, damage, encroachment or similar issues, reporting and updating Council as appropriate via this committee's minutes and for approval of any recommendations.
11. To ensure Council's obligations as land and property owners are fulfilled, reporting as appropriate to Council.
12. To undertake initial feasibility studies and raise with Council any new community events and infrastructure projects that would enhance the facilities and recreational opportunities with a view to getting approval and, if required, budget to investigate further.
13. 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.

Chair: of this Committee: Appointed at the Annual Town Council meeting.

Vice-Chair of this Committee: Appointed at the first new Planning and Development Committee meeting.

Key Responsibilities:

- As a statutory consultee of the Local Planning Authority, (LPA) – East Suffolk Council (ESC), to consider all planning applications received from ESC and make responses on behalf of Council.
- To consider all other planning matters communicated by ESC, Suffolk County Council (SCC) or the Government for the purpose of public consultation and draft (usually via the Clerk) representations on behalf of Council for the approval of Council and its subsequent communication to ESC, SCC or the Government as appropriate.
- To oversee implementation and review of the Kesgrave Neighbourhood Plan.

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 Council at any ESC Planning Committee meeting, or Inspectorate 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 Council regarding policy and strategic matters relating to all of the above.

SUB-COMMITTEES AND WORKING/STEERING GROUPS

Issues that require further focus or expertise may be delegated by Council or any of its Committees under tailored Terms of Reference to:

- a Sub-Committee which may be granted delegation of powers and should meet in public; or
- a Working/Steering Group which acts in an advisory capacity only and are usually only set up for the duration of a specific task; residents and relevant experts may be invited to participate or make representations; and they may be closed meetings or open to the public as determined by the body that sets them up. Two past examples have been the Open Spaces and Transport & Pedestrian Working Parties.

OFFICER DELEGATION

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

1. Incur expenditure within budget on the provision of Council administration, without further approval and in accordance with Council's Standing Orders and Financial Regulations.
2. Within the agreed staffing establishment and budget, and subject to approval by Council, to vary working hours of established staff, and recruit both permanent, casual and contract staff.
3. To write off assets under the value of £350 in accordance with Council's Standing Orders and Financial Regulations.
4. To make investments, in accordance with Council's Financial Regulations 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 Chair, as required and in accordance with Council's Standing Orders and Financial Regulations.
7. To implement, where timescales require, any action required to ensure Council's legal and regulatory compliance and to report this to Council at its next meeting.

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