



# Terms of Reference for Council and Committees

Adopted by Marden Parish Council on: 12<sup>th</sup> June 2018

Reviewed on: 13<sup>th</sup> June 2017 / 12<sup>th</sup> June 2018 / 11<sup>th</sup> June 2019 / 6<sup>th</sup> April 2021

Amended on: 24<sup>th</sup> March 2020

Review date: June 2020

Office Opening Times:

Mondays, Tuesdays & Fridays 10am - 12 noon

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Parish Council Terms of Reference

# TERMS AND CONDITIONS COUNCIL AND COMMITTEES

## DECISION MAKING

Subject to stipulations (i)-(ii) (*below*), and to the observance of decisions of the Council on matters of principle or policy, with the exception of (a)-(m) (*below*) **authority shall be delegated to the Council's Standing Committees or Officers.**

The acts and proceedings of a Committee shall:

- (i) where they are delegated to the Committee, so far as is legally permissible be deemed the acts and proceedings of the Council
- (ii) as regards other matters be subject to confirmation by the Council and, when confirmed, shall be deemed the acts and proceedings of the Council
- (iii) in all respects be subject to the provisions of the Council's Standing Orders and Financial Regulations, except as otherwise determined by Council

## MATTERS TO BE RESOLVED ONLY BY COUNCIL

- (a) issuing the precept
- (b) borrowing money
- (c) approving the end of year Accounts and Annual Return
- (d) incurring capital expenditure over and above the Council's approved budget
- (e) incurring revenue expenditure which is over and above the Council's approved budget and is in excess of £5,000 per item (unless incurred already under Financial Regulation 3.4)
- (f) amending Standing Orders and Financial Regulations
- (g) fixing the number of Committees, and the names and number of Members appointed to each Committee
- (h) determining the functions and constitution of Committees and Sub-Committees
- (i) fixing the dates of routine meetings of the Council and its Committees
- (j) filling of Member vacancies occurring on any Committee or Council (if required to do so by law)
- (k) appointing or nominating persons to fill vacancies on outside bodies
- (l) confirming the appointment of, and dismissing of, the Parish Clerk, Deputy Clerk and any other person/s employed by the Council.

## OFFICERS

The Council may, from time-to-time and by mutual consent, delegate authority to its Proper Officer or other appropriate Officer. *See MPC's Scheme of Delegation.*

## COUNCIL CHAIRMAN & COMMITTEE CHAIRMEN

The statutory annual election of a Chairman shall be subject to the following restriction: The length of continuous service of any Chairman of Full Council and the Finance Committee or the Chairmen of Planning and Amenities Committees shall be restricted to three years. At completion of any three-year term, all Chairmen will stand down for one year and not be eligible for re-election to the post of Chairman until the following annual meeting of the Parish Council and subsequent Committees. The Chairman and Vice-Chairman of the Parish Council will be ex-officio on Planning, Amenities and Finance Committees and have voting rights. The Chairman of the Parish Council will be ex-officio on Sub-Committees.

## COMMITTEE CHAIRMEN

In liaison with the Parish Clerk, the Committee Chairmen/Vice-Chairmen have the authority to cancel or postpone a meeting owing to lack of business or in an emergency.

### Safeguards

- 1 The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a Committee or Officer.
- 2 Matters delegated to Committee may be referred to full Council at the request (written or verbal) of two Members of the Council **prior** to the resolution of the matter.
- 3 In accordance with Standing Order 7a the Council may, under specified conditions, reverse a Committee (or Council) decision within 6 months.
- 4 See Emergency Committee Terms of Reference for further information in the case of meetings not being able to convene

# TERMS OF REFERENCE

## AMENITIES COMMITTEE

### **Information**

The Amenities Committee of Marden Parish Council consists of the Chairman and Vice-Chairman of the Parish Council and a minimum of 4/maximum of 6 Cllrs. The appointment of members to this Committee is decided at the Annual Parish Council meeting.

### **Delegated Powers**

Overseeing the management and administration of the Southons Field, Marden Playing Field and other open space.

Overseeing the management and administration of Maidstone Road Cemetery

Delegated powers given to the Amenities Committee to spend on Amenities activities/items to the maximum budget allocation.

Promoting “Marden at Christmas” and other Parish and National events.

Promoting Youth facilities in the Parish

Promoting the provision of new or expanded leisure and visitor facilities where there is clear need and demand.

Provide Council representation on Memorial Hall Committee.

Making representations to the appropriate authority on matters relating to the provision and maintenance of leisure facilities for residents and visitors.

Making representations to the appropriate authorities in respect of tourism strategies for the District and County where those strategies have an impact on the management of tourism within the parish.

Making representations to the appropriate authority in respect of the provision and maintenance of litter bins, street cleaning, waste recycling and other related initiatives.

Overseeing the management and administration of the public conveniences.

Making representations to the appropriate authority in relation to the provision and maintenance of all street furniture within the parish.

If appropriate, recommending to the Full Council revenue or capital expenditure over and above Council’s approved budget.

To review S106/CIL spending on Marden Open Spaces

To take up any additional tasks assigned to it by the Full Council as appropriate.

Appointing sub-committees to undertake any specific project work as necessary. This may include non-elected members.

Review Amenities Policies periodically

See Emergency Committee Terms of Reference for further information in the case of meetings not being able to convene.

# TERMS OF REFERENCE

## FINANCE COMMITTEE

### **Information**

The Finance Committee of Marden Parish Council consists of the Chairman and Vice-Chairman of the Parish Council and a minimum of 2/maximum of 4 Cllrs. The appointment of members to this Committee is decided at the Annual Parish Council meeting.

### **Delegated Powers**

Reviewing and updating the Financial Regulations and ensuring they are observed by the Council.

Review and update Financial Risk Assessments regularly

Overseeing the financial administration of the Council.

Maintaining the Financial planning system including the determination of budgets.

Monitoring performance against budgets and taking any necessary action

Monitoring purchasing decisions to ensure a value for money approach to all aspects of Council activity in accordance with Financial Regulations.

Receiving and reviewing audit reports and arranging for implementation of any recommendations.

Developing, maintaining and monitoring the policy on the management of reserves.

Undertaking quarterly internal audit checks on accounts and reconciling accounts.

Delegated powers given to the Finance Committee to spend on Finance and HR activities/items to the maximum budget allocation.

Monitor the work of the Responsible Financial Officer (RFO) to ensure proper accounting records and adequate internal financial controls are in place.

Providing advice and guidance to the Chairmen of other Committees and to the full Council on all aspects of financial management.

Following a report from the HR Sub-Committee will review the annual salaries of all employees and make recommendations to full council for ratification

To take up any additional tasks assigned to it by the Full Council as appropriate.

Appointing sub-committees to undertake any specific project work as necessary.

Review Financial Policies periodically.

See Emergency Committee Terms of Reference for further information in the case of meetings not being able to convene

# TERMS OF REFERENCE

## PLANNING COMMITTEE

### **Information**

The Planning Committee of Marden Parish Council consists of the Chairman and Vice-Chairman of the Parish Council and a minimum of 4/maximum of 6 Cllrs. The appointment of members to this Committee is decided at the Annual Parish Council meeting.

### **Delegated Powers**

Making representations to the Local Planning Authority on applications for planning permission.

Making representations in respect of appeals against the refusal of planning permission.

Making representations in respect of enforcement action or alleged breaches of planning regulations.

Making representations regarding street naming.

Considering and monitoring any development plans relating to the Parish and Borough and making appropriate representations.

Making representations to the appropriate Planning Authority in respect of all other planning matters not referred to above.

Making representations and attending at the Court proceedings (where necessary) on all applications for Justices/Transfer of Justices Licences to the Magistrates when notified of such applications.

Making representations to the appropriate authority in respect of highway matters.

All other matters which are the responsibility of third party agencies and affect directly the Parish's built environment and infrastructure.

To take up any additional tasks assigned to it by the Full Council as appropriate.

Delegated powers given to the Planning Committee to spend on Planning activities/items to the maximum budget allocation.

Appointing sub-committees to undertake any specific project work as necessary. This may include non-elected members.

Review Planning Policies periodically.

See Emergency Committee Terms of Reference for further information in the case of meetings not being able to convene

# TERMS OF REFERENCE

## EMERGENCY COMMITTEE

**(motions carried at the Extra Ordinary Full Council Meeting held on 24<sup>th</sup> March 2020)**

### **Information**

The Emergency Committee of Marden Parish Council will be brought into force to manage High Consequence Infectious Diseases and other emergencies in the event that it is impractical for the Parish Council to conduct its business through face-to-face meetings. It will consist of all 11 Parish Councillors.

### **Delegated Powers**

That Standing Order 9.b be suspended under Standing Order 10.a.xv for the duration of an emergency to remove the requirement for four clear days written notice of the wording of a motion.

That the Standing Orders be temporarily added to Under Standing Order 26.b as follows:

- (a) A temporary Emergency Committee comprising all Councillors shall be established;
- (b) The Emergency Committee shall have full delegated powers to temporarily exercise all functions of the Council (including its committees and sub-committees) to the extent permitted by law.
- (c) For the avoidance of doubt, the Emergency Committee has the power to temporarily:
  - (i) Add to, vary, suspend or revoke Standing Orders under Standing Orders 10.a.xv and 26.b;
  - (ii) Approve any revisions to or suspension of any part of the Financial Regulations as drawn up by the Responsible Financial Officer for consideration under Standing Order 19.a;
  - (iii) Amend the Council's policies and procedures (including the Scheme of Delegation) as may be required for the duration of the emergency; and
  - (iv) Respond to planning applications and any consultations in the name of the Council or its other committees, as applicable.

That further purpose of Standing Order 3.d, the nature of the emergency and its consequential effects be considered special reasons under the Public Bodies (Admission to Meetings) Act 1960 to waive the requirement for meetings of the Emergency Committee to be open to the public.

That the Standing Orders be temporarily varied under Standing Order 26.b so that the Emergency Committee may operate "virtually", with meetings called and decisions taken by email correspondence (or other means agreed by the Emergency Committee), without direct public participation but taking account of any representations made to the Council by the public, subject to the meetings being minuted by the Council's Proper Officer in the normal way.

The Virtual Meetings Policy and Guideline will be added as an addendum to the Standing Orders

That the Emergency Committee should be dissolved after three months unless the Council resolves in accordance with the unamended Standing Orders that a shorter or longer period shall be adopted.

### **Financial Regulations**

That Financial Regulation 18 be temporarily revised for the duration of the emergency so that the Emergency Committee may take the place of the Council, its Finance Committee and Human Resources Sub-Committee as required for each purpose to the extent permitted by law.

### **Scheme of Delegation**

That the Scheme of Delegation be temporarily amended for the duration of an emergency so that the Emergency Committee may further delegate any functions of the Council (including its committees and sub-committees) to the Chairman, an agreed number of Councillors, the Proper Officer\*, the Responsible Financial Officer or any combination thereof, as appropriate, to the extent permitted by law.

**Signed by Cllrs Boswell, Adam and Tippen in the presence of Cllr Newton and the Proper Officer (Alison Hooker) on 24<sup>th</sup> March 2020.**

\*In the absence of the Proper Officer the Deputy Clerk will take on the role.



# TERMS OF REFERENCE

## HUMAN RESOURCES SUB-COMMITTEE

### **Information**

The Human Resources Sub-Committee of Marden Parish Council is a sub-committee of the Finance Committee and consists of the Chairman of the Parish Council and a minimum of 2/maximum of 4 Cllrs. The appointment of members to this Sub-Committee is decided at the Annual Parish Council meeting.

### **Delegated Powers**

To recruit, retain and develop staff to undertake the work of the council.

To review the pay and conditions of employment of the staff and to update these as necessary to comply with the law and with good practice.

A report to be provided annually to Finance Committee for the budget setting meeting recommending the pay award for all employees.

To determine the staffing levels necessary to efficiently discharge the work required by the council and to review the workloads periodically.

To ensure the health and safety of staff employed by providing appropriate working spaces, tools and equipment and to train staff as necessary to safeguard their health and safety at work.

To undertake reviews of working practices and procedures of the Council as a whole when so requested and to make recommendations to Full Council.

To undertake regular staff appraisals of both employed and self-employed staff

To undertake reviews of risk assessments for all employees and volunteers

To take up any additional tasks assigned to it by the Full Council or Finance Committee as appropriate.

To ensure the disciplinary procedure/policy and grievance procedure/policy remains up to date.

In the event of a disciplinary or grievance matter being raised by an employee to appoint a Councillor/Councillors or the Clerk to investigate and resolve.

To undertake any actions from Disciplinary or Grievance Procedures or Hours of Working Policy that are required.

To review Financial Regulations and Financial Risk Assessment which are relevant to HR matters to ensure up to date and relevant.

Review HR Policies periodically.

See Emergency Committee Terms of Reference for further information in the case of meetings not being able to convene.