



Terms of Reference for Council and Committees

Adopted by Marden Parish Council on: 12th June 2018
Reviewed on: 13th June 2017 / 12th June 2018 / 11th June 2019
Amended on: 24th March 2020 / 10th May 2022 / 9th May 2023 / 9th April 2024
Review date: March 2025

Office Opening Times:
Mondays, Tuesdays & Fridays 10am - 12 noon
Email: clerk@mardenkent-pc.gov.uk
Website: www.mardenkent-pc.gov.uk
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TERMS OF REFERENCE 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 Amenities, Finance and Planning 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

(1) 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.
- (m)** ratifying all Council and Committee Policies and Risk Assessments.

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(2) 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.*

(3) 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 or the Chairmen of Planning, Finance and Amenities Committees shall be restricted to three years, unless the Council unanimously agrees otherwise. 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.

(4) 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.

(5) 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 COMMITTEES

AMENITIES COMMITTEE

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.

1	Overseeing the management and administration of the Southons Field, Marden Playing Field and other open space.
2	Overseeing the management and administration of Maidstone Road Cemetery
3	Promoting "Marden at Christmas" and other Parish and National events.
4	Promoting Youth facilities in the Parish
5	Promoting the provision of new or expanded leisure and visitor facilities where there is clear need and demand.
6	Marden Memorial Hall representative to be appointed by Full Council. Representative to provide a written or verbal report to Amenities Committee meetings (written report to be provided prior to meeting if not a member of Committee)
7	Making representations to the appropriate authority on matters relating to the provision and maintenance of leisure facilities for residents and visitors.
8	Making representations to the appropriate authorities in respect of tourism strategies for the Borough and County where those strategies have an impact on the management of tourism within the parish.
9	Making representations to the appropriate authority in respect of the provision and maintenance of litter bins, street cleaning, waste recycling and other related initiatives.
10	Overseeing the management and administration of the public conveniences.
11	Making representations to the appropriate authority in relation to the provision and maintenance of all street furniture within the parish.
12	Make representations on Sustainability, Health and Wellbeing issues.
12	If appropriate, recommending to the Full Council revenue or capital expenditure over and above Council's approved budget.
13	To review S106/CIL spending on Marden Open Spaces

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14	To take up any additional tasks assigned to it by the Full Council as appropriate.
15	Appointing sub-committees and/or working groups to undertake any specific project work as necessary. This may include non-elected members.
16	Review Amenities Policies and Risk Assessments periodically
17	See Emergency Committee Terms of Reference for further information in the case of meetings not being able to convene

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TERMS OF REFERENCE COMMITTEES

FINANCE COMMITTEE

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.

1	Reviewing and updating the Financial Regulations and ensuring they are observed by the Council.
2	Review and update Financial Risk Assessments regularly
3	Overseeing the financial administration of the Council.
4	Maintaining the Financial planning system including the determination of budgets.
5	Monitoring performance against budgets and taking any necessary action
6	Drafting annual budget and precept before making recommendation to Full Council
7	Monitoring purchasing decisions to ensure a value for money approach to all aspects of Council activity in accordance with Financial Regulations.
8	Receiving and reviewing audit reports and arranging for implementation of any recommendations.
9	Developing, maintaining and monitoring the policy on the management of reserves.
10	Undertaking quarterly internal audit checks on accounts and reconciling accounts.
11	Monitor the work of the Responsible Financial Officer (RFO) to ensure proper accounting records and adequate internal financial controls are in place.
12	Providing advice and guidance to the Chairmen of other Committees and to the Full Council on all aspects of financial management.
13	Following a report from the HR Sub-Committee will review the annual salaries of all employees and make recommendations to Full Council for ratification
14	To take up any additional tasks assigned to it by the Full Council as appropriate.
15	Appointing sub-committees and/or working groups to undertake any specific project work as necessary.

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16	To delegate to the Cemetery Sub-Committee responsibility for items 4 to 9 of the Cemetery Sub-Committee Terms of Reference.
17	Review Financial Policies and Risk Assessments periodically.
18	See Emergency Committee Terms of Reference for further information in the case of meetings not being able to convene.

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TERMS OF REFERENCE COMMITTEES

PLANNING COMMITTEE

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.

1	Making representations to the Planning Authority on applications for planning permission.
2	Making representations in respect of appeals against the refusal of planning permission.
3	Making representations in respect of enforcement action or alleged breaches of planning regulations (under confidential item).
4	Making representations regarding street naming.
5	Making representations regarding street trading licences
6	Considering and monitoring any development plans relating to the Parish, Borough and County and making appropriate representations.
7	Making representations to the appropriate Planning Authority in respect of all other planning matters not referred to above.
8	Making representations and attending at the Court proceedings (where necessary) on applications for Justices/Transfer of Justices Licences to the Magistrates when notified of such applications.
9	Making representations to the highway authority in respect of highway matters which are relevant to planning.
10	All other matters which are the responsibility of third party agencies and affect directly the Parish's natural environment, built environment and infrastructure.
11	To take up any additional tasks assigned to it by the Full Council as appropriate.
12	Appointing sub-committees and/or working groups to undertake any specific project work as necessary. This may include non-elected members.
13	Review Planning Policies periodically.
14	See Emergency Committee Terms of Reference for further information in the case of meetings not being able to convene.

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TERMS OF REFERENCE COMMITTEES

EMERGENCY COMMITTEE

(motions carried at the Extra Ordinary Full Council Meeting held on 24th March 2020)

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.

1	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.
2.	That the Standing Orders be temporarily added to Under Standing Order 26.b as follows:
(i)	A temporary Emergency Committee comprising all Councillors shall be established;
(ii)	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.
(iii)	For the avoidance of doubt, the Emergency Committee has the power to temporarily:
	<p>(a)Add to, vary, suspend or revoke Standing Orders under Standing Orders 10.a.xv and 26.b;</p> <p>(b)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;</p> <p>(c)Amend the Council's policies and procedures (including the Scheme of Delegation) as may be required for the duration of the emergency; and</p> <p>(d)Respond to planning applications and any consultations in the name of the Council or its other committees, as applicable.</p>
3.	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.

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4.	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.
5.	The Virtual Meetings Policy and Guideline will be added as an addendum to the Standing Orders
6.	That the Emergency Committee should be dissolved after three months unless the Council resolves in accordance with the <u>unamended</u> Standing Orders that a shorter or longer period shall be adopted.

Financial Regulations

7.	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.
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Scheme of Delegation

8.	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.
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Signed by Cllrs Boswell, Adam and Tippen in the presence of Cllr Newton and the Proper Officer (Alison Hooker) on 24th March 2020.

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

TERMS OF REFERENCE SUB-COMMITTEES

HUMAN RESOURCES SUB-COMMITTEE

Reports to Finance Committee

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.

1	To recruit, retain and develop staff to undertake the work of the council.
2	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.
3	A report to be provided annually to Finance Committee for the budget setting meeting recommending the pay award for all employees.
4	To determine the staffing levels necessary to efficiently discharge the work required by the council and to review the workloads periodically.
5	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.
6	To undertake reviews of working practices and procedures of the Council as a whole when so requested and to make recommendations to Full Council.
7	To undertake regular staff appraisals of both employed and self-employed staff
8	To review staff appraisal forms and act on any recommendations.
9	To make proposals to the Finance Committee following agreement of staff appraisal recommendations.
10	To undertake reviews of risk assessments for all employees and volunteers
11	To liaise with the HR Support (Peninsula) on any staffing issues that may arise were additional support is required
12	To take up any additional tasks assigned to it by the Full Council or Finance Committee as appropriate.
13	To ensure the disciplinary procedure/policy and grievance procedure/policy remains up to date following guidance received from Peninsula.

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14	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 in line with MPC's Disciplinary/Grievance Policies.
15	To review Financial Regulations and Financial Risk Assessment which are relevant to HR matters to ensure up to date and relevant
16	Review HR Policies and Risk Assessments periodically.
17	See Emergency Committee Terms of Reference for further information in the case of meetings not being able to convene

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TERMS OF REFERENCE SUB-COMMITTEES

CEMETERY SUB-COMMITTEE

Reports to Amenities Committee

The Cemetery Sub-Committee of Marden Parish Council is a sub-committee of the Amenities Committee and consists of the Chairman of the Parish Council and a minimum of 2/maximum of 5 Cllrs. The appointment of members to this Sub-Committee is decided at the Annual Parish Council meeting.

1	To review the cemetery rules and regulations at least annually and put before Amenities Committee for ratification.
2	To review and recommend the cemetery fees annually in October and report to Finance Committee for budgeting purposes.
3	To undertake and attend at least two site meetings annually (April and September) and report back to Amenities Committee.
4	To agree memorial/inscription applications if issues arise by the Clerk.
5	To agree burial/interment of ashes if not resident of parish if concerns raised by Clerk.
6	To be responsible for directing the maintenance of the cemetery within a schedule agreed by the Amenities Committee in order to maintain a good standard of appearance in the cemetery.
7	To be responsible for the direction the operation of the cemetery with the use of the Parish Council's rules and regulations to ensure the safety, dignity and ongoing use of the cemetery.
8	To ensure the Clerk has effectively documented procedures in place to take day to day operational decision on the management of the cemetery. All procedures will be referred to the Parish Council for approval if needed to include: <ul style="list-style-type: none"> • Keeping records of all burials and interment of ashes and their locations; • To liaise with funeral directors appertaining to all interments; • To meet with the funeral directors on the day of the funeral to confirm details on coffin nameplate with that on the legal documentation; • To receive all documentation and fees from the funeral director at least three days before the funeral and sending relevant documents to the Register of Deaths.
9	To ensure that all gravestones and trees are in a safe condition
10	To delegate small items of work to be undertaken by caretaking staff to the Clerk and/or Deputy Clerk when need arises

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11	To recommend how to spend money within the budget of the cemetery on projects relating to the cemetery and reporting to the Amenities Committee/Finance Committee for ratification
12	No decisions to be made other than those outlined above. All other recommendations will be required to be ratified at the next Amenities Committee or Full Council meeting.

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TERMS OF REFERENCE SUB-COMMITTEES

OPEN SPACE SUB-COMMITTEE

Reports to Amenities Committee

The Open Space Sub-Committee of Marden Parish Council is a sub-committee of the Amenities Committee and consists of the Chairman of the Parish Council and a minimum of 2/maximum of 5 Cllrs. The appointment of members to this Sub-Committee is decided at the Annual Parish Council meeting.

1	To review the fees for Southons Field and Playing Field annually in October and report to Finance Committee for budgeting purposes.
2	To review the terms and conditions of Open Space bookings (ie Southons Field and Playing Field) at least annually.
3	To undertake and attend at least two site meetings annually (April and September) and report back to Amenities Committee.
4	To be responsible for directing the maintenance of the Parish Council owned open space within a schedule agreed by the Amenities Committee in order to maintain a good standard of appearance.
5	To ensure that all trees and buildings are in a safe condition.
6	To review mowing contract on a three-year basis (or earlier if required) and take to Amenities Committee/Finance Committee for ratification
7	To determine how to spend money within the budget on projects relating to the open spaces and reporting to the Amenities Committee/Finance Committee for ratification
8	To delegate small items of work to be undertaken by caretaking staff to the Clerk and/or Deputy Clerk when need arises
9	No decisions to be made other than those outlined above. All other recommendations will be required to be ratified at the next Amenities Committee or Full Council meeting.

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OTHER WORKING GROUPS/SUB-GROUPS

COMMUNICATION SUB-GROUP

Reports to Full Council

TERMS OF REFERENCE

The membership of the Communications Sub-Group will be appointed at the Annual Parish Council meeting and will be reviewed annually. The Sub-Group will consist of two Cllrs and the Chairman of the Council. The Deputy Clerk will clerk the meeting

The Sub-Group:

1	Will oversee the Parish Council's communication as set out in the Communication and Newsletter Policies.
2.	Will review all aspects of communications relevant to the Parish Council
3.	Will review the Communication and Newsletter Policies annually or, if required, during the course of the year.
4.	Will not make decisions on behalf of the Parish Council. Any recommendations made by the Sub-Group will be subject to agreement by the Parish Council, or delegated Committee.

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OTHER SUB-COMMITTEES/WORKING GROUPS/SUB-GROUPS

PLAY SCHEME SUB-GROUP

Reports to Amenities Committee

TERMS OF REFERENCE

The membership of the Play Scheme Sub-Group will be appointed at the Annual Parish Council meeting and will be reviewed annually. The Sub-Group will consist of two Cllrs, the Chairman of the Council, the Clerk and Deputy Clerk. The Clerk will clerk the meeting

The Sub-Group:

1	Will oversee the running of the Summer Play Scheme.
2.	Will review Play Scheme Policies and Risk Assessments annually.
3.	Will recommend location and dates for the Summer Play Scheme to the Amenities Committee
4.	Will recommend staffing to the HR Sub-Committee.
5.	Will recommend expenditure to the Amenities Committee within the agreed budget.
6.	Will assist with the set up and day to day running of the scheme
7.	Will review end of scheme expenditure and refer recommendations to Finance Committee for the next year's budget
8.	Will not make decisions on behalf of the Parish Council. Any recommendations made by the Sub-Group will be subject to agreement by the Amenities Committee or other delegated committee.

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OTHER SUB-COMMITTEES/WORKING GROUPS/SUB-GROUPS

VILLAGE EVENTS SUB-GROUP

Reports to Amenities Committee

TERMS OF REFERENCE

The membership of the Village Events Sub-Group will be appointed at the Annual Parish Council meeting and will be reviewed annually. The Sub-Group will consist of four Cllrs and the Chairman of the Council. The Deputy Clerk will clerk any meetings

The Sub-Group:

1.	Will consider village events being run by the Parish Council throughout the year
2.	To discuss and consider dates and times of village litter picks.
3.	Will consider dates and times of litter picks.
4.	Consider where litter picking to take place.
5.	Review litter pick risk assessments and policies.
6.	Consider what equipment is required and request additional purchases to Amenities Committee
7.	Discuss Christmas dates and recommend structure and expenditure to Amenities Committee.
8.	Review Christmas risk assessments and policies.
9.	Discuss and make recommendations on ad hoc events within the parish.
10.	To review risk assessments for ad hoc events
11.	Has delegated powers to cancel or postpone any future event organised by Marden Parish Council.
12.	Has delegated powers to cancel any event on Parish Council owned land in the case of extreme weather conditions.
13.	Will, other than items 11 or 12 above, not make decisions on behalf of the Parish Council. Any recommendations made by the Sub-Group will be subject to agreement by the Amenities Committee or delegated committee.

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OTHER SUB-COMMITTEES/WORKING GROUPS/SUB-GROUPS

ENVIRONMENTAL SUB-GROUP

Reports to Amenities Committee/Full Council

TERMS OF REFERENCE

The membership of the Environment Sub-Group will be appointed at the Annual Parish Council meeting and will be reviewed annually. The Sub-Group will consist minimum of 3/maximum of 6 Cllrs. Notes of the meetings will be taken by a Cllr in attendance. The Administrative Assistant will provide admin support.

Members of the public can be members of the Sub-Group which can be up to 12 members. Members of the public, who are not members of the Sub-Group, are entitled to attend meetings, and contribute, towards recommendations put to the Amenities Committee.

The Sub-Group:

1.	will work with the community to produce ideas and strategies that will have positive impacts on the natural environment of the Parish of Marden, and encourage new ways to enhance the sustainability and biodiversity of the Parish, and contribute to the fight against climate change.
2.	will aid in the compliance of the Parish Council with its Environment Policy Aims.
3.	shall have no financial delegated authority. Any financial expenditure requests must be agreed by the Amenities Committee. The Sub-Group may apply for grants outside of the Parish Council under the name of the Parish Council, but the requests must first be approved by the Amenities Committee.
4.	can direct their own scope in terms of which projects or initiatives they wish to consider and review. However, any final recommendations must first be made to the Amenities Committee for a final decision on the action to be taken, and whether the Parish Council wishes to pursue the projects or initiatives.
5.	aims are set out within the Environment Policy of Marden Parish Council.
6.	shall aim to comply with, and promote, and Principles of the Parish Council's Environment Policy.
7.	Members shall be acting voluntarily. Any expenditure for the group for the purposes of stationary shall be made through the Clerk of the Parish Council only. There will be no reimbursements for members of the public, nor members of the Council, unless payments are explicitly authorised by the Clerk/Amenities Committee in advance.

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8.	shall meet as and when required to deal with matters under the scope of this terms of reference with times and locations of the meetings being determined by the Sub-Group members. (It is anticipated that the Sub-Committee should meet on a 2 monthly basis)
9.	will review the Environment Policy and any risk assessment associated with this Sub-Group periodically.
10.	Will not make decisions on behalf of the Parish Council. Any recommendations made by the Sub-Group will be subject to agreement by the Amenities Committee or Full Council.

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MARDEN NEIGHBOURHOOD PLAN STEERING GROUP

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Marden Neighbourhood Plan (MNP) Steering Group will consist of Parish Councillors and members of the public. The Parish Clerk will clerk the meetings.

Marden Neighbourhood Plan Steering Group:

1.	Will appoint a Chairman from the membership of the Group
2.	No business shall be dealt with unless five members of the Group are present, with at least three of these being Cllrs. If not quorate, any items to be discussed will be deferred until a future meeting.
3.	Will be open to any Cllr or member of the public to attend who may speak or comment on any item.
4.	Members, whether Cllrs or members of the public, will adhere to the Council's Code of Conduct
5.	Meetings will be held on dates determined by the Group.
6.	Will oversee the preparation and any reviews of the Parish's Neighbourhood Plan and to make recommendations to the Full Council.
7.	To recommend to the Finance Committee any budget required for the ongoing work of the MNP.
8.	To recommend to the Finance Committee, as part of the annual budget process, any items which it requires the Finance Committee to consider and approve for the next financial year.
9.	Will encourage residents to take an active part in their community, its activities and its future to ensure the MNP is representative of the community's ambitions.
10.	To arrange consultations and other parish events to ensure a high level of community engagement throughout the planning process.
11.	To produce, monitor and update the MNP project/review timetable.
12.	Will identify sources of funding and resource requirements. All grants and funding will be applied for by the Parish Council who will ringfence the funds for the MNP work.
13.	Will liaise with relevant authorities and organisations to make the MNP as effective as possible.

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14.	Keep under review the legislative requirements around neighbourhood planning to ensure the MNP meets all requirements.
15.	Agree, subject to ratification of the Full Council, a final submission to Maidstone Borough Council

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