



# Kings Hill Parish Council

## Terms of Reference and Scheme of Delegation

Adopted 19/06/2019

### 1. **Introduction**

Committees may exercise delegated functions on behalf of the parish council under the following terms of reference subject to:-

- The parish council's approved budget and financial regulations
- Any previous minuted decision of the parish council
- Any matters reserved to the parish council by law

### 2. **Finance and Human Resources Committee**

The role of the Finance & Human Resources Committee is to oversee all aspects of the financial administration and governance of the Council as well as all human resources (HR) activities for both employees and councillors.

#### **a) Membership**

- i. The Committee shall consist of up to **SIX** Councillors appointed at the Annual Meeting of the Parish Council each May.
- ii. Up to **TWO** Councillors will be appointed as substitute members to be used as substitutes when the committee is not quorate.
- iii. The Committee may not appoint anyone other than Parish Councillors to the Committee or any sub-committee.
- iv. The Chairman and Vice-Chairman of KHPC will be ex-officio members unless they are committee members.
- v. The Committee will elect a Chair from Councillor Members at its first meeting after the Annual Meeting of the Parish Council.
- vi. The Quorum for a meeting will be a minimum of three Councillor Members.

#### **b) Meetings**

- i. The Committee is required to hold meetings at least on monthly basis.
- ii. The Committee will produce a schedule of regular meeting dates in preparation for the Annual Meeting of the Parish Council.

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- iii. Changes to meeting dates and times should be kept to a minimum. Changes to meeting dates and times must be approved by a majority of the Committee.
- iv. It is the responsibility of Committee Members to notify the office of their absence and apologies in response to the advertising of the agenda.
- v. The Committee will have the right to convene special meetings in accordance with the Council's standing orders.
- vi. Committee meetings are formal and therefore the agenda will be displayed publicly and standing orders will apply.
- vii. The Clerk or other appropriate officer shall attend all Committee Meetings. The attending officer shall be responsible for producing accurate minutes of the meetings.
- viii. The meetings shall be open to the public.
- ix. The Committee will hold no meetings in August unless there is urgent business to conduct.

## **c) Voting**

- i. All decisions of the Committee shall be determined by majority vote. The Chair of the Committee has the casting vote when there are equal numbers of votes.
- ii. The ex-officio members may not vote on resolutions, unless they are full committee members or they are there as a substitute member.

## **d) Rights and Powers – Financial**

The Finance and HR Committee will have delegated powers to:

- i. Develop and recommend to Council policies and procedures for the financial management of the Council
- ii. Carry out an annual review of the Financial Regulations and Finance and HR Committee's Terms of Reference and present them to Council for adoption
- iii. Monitor reserves to ensure that surpluses are not built up other than for working capital or for earmarked projects and known liabilities, ensuring that sufficient reserves are retained for future maintenance, replacement or upgrading of items for which the Council is responsible
- iv. Receive and consider annual budgets prepared by each Committee or budget holders
- v. Prepare an annual budget for the Council and recommend an annual precept
- vi. Monitor each Committee's performance against budget and report significant variances to Council with recommendations for appropriate action
- vii. Undertake a monthly review and reconciliations of the accounts

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- viii. Monitor purchasing decisions to ensure value for money as agreed in the Financial Regulations
- ix. Undertake a financial risk analysis annually and review the Council's insurance arrangements to ensure that property and identified risks are adequately insured
- x. Receive and review Audit Reports and ensure the implementation of any recommendations
- xi. Consider and determine requests for community and other grants within agreed annual budgets.

## **e) Rights and Powers – Organisation**

The Finance and HR Committee will have delegated powers to:

- i. To determine and recommend to Council, policies and procedures for the line management of the Council's human resources
- ii. To determine the staffing levels and positions that will efficiently discharge the work of the Council and to review workloads periodically
- iii. To agree job descriptions and skill requirements for all positions.
- iv. To promote and lead the continuous professional development and training of both staff and councillors
- v. To submit the HR Financial Budget for the following year and oversee actual costs to budgeted levels.
- vi. Members of the Committee will be invited to stand on a Complaints Committee if and when required.

## **f) Rights and Powers – Selection of Staff**

The Finance and HR Committee will have delegated powers to:

- i. Agree recruitment procedures that do not contravene the Equality Act that consider both the needs of the job and that of Council

## **g) Rights and Powers – Pay and Conditions**

The Finance and HR Committee will have delegated powers to:

- i. Determine pay and contractual conditions of employment of the Clerk and review/update these as necessary to comply with UK Employment Law as well as good practice
- ii. Set the expenses policy for both staff and councillors
- iii. Recommend ex-gratia payments, honoraria or exceptional increments.

## **h) Rights and Powers – Appraisal**

The Finance and HR Committee will have delegated powers to:

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- i. Oversee and agree the annual appraisal of the Clerk through the HR Sub-Committee, who will conduct quarterly performance reviews and the annual appraisal.

## **i) Rights and Powers – Grievance, Misconduct and Dismissal**

The Finance and HR Committee will have delegated powers to:

- ii. Oversee the grievance, misconduct and dismissal procedures in relation to Band 3 employees and make recommendation to Full Council when appropriate.
- iii. To act as the appeal committee in relation to grievance, misconduct and dismissal procedures for Bands 1 and 2.

## **j) Rights and Powers – Health and Safety**

The Finance and HR Committee will have delegated powers to:

- i. Ensure that Health and Safety of all involved in the work of the Council by providing appropriate workspaces, tools and equipment and to train staff as necessary to safeguard their health & safety at work.
- ii. Further assess personnel risks as defined by the External Auditor and provide appropriate recommendations to Full Council.

## **k) Rights and Powers – General**

The Finance and HR Committee will have delegated powers to:

- i. Receive and approve financial plans for new activities / events / service provision from other committees.
- ii. Make recommendations to the Council for consideration and approval.
- iii. The Committee may appoint an appropriate sub-committee or Working Group(s) to facilitate the work of the committee within their delegated rights and powers.

## **l) Responsibilities**

- i. The Committee is responsible for the production of written estimates of proposed income and expenditure for the Council for the next financial year no later than September each year. Approval is subject to Full Council approval in December each year.
- ii. The Committee is responsible for ascertaining if they have the power to spend for any project from the Proper Officer.

## **m) Rules and regulations**

- i. The Councillor's Code of Conduct will apply to all Members of the Committee.
- ii. The conduct of the meeting will be governed by the Council's Standing Orders.
- iii. Any financial transaction approved by the Committee will be governed by the Council's Financial Regulations.

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## **3. Human Resources Sub-Committee**

The role of the Human Resources Sub-Committee is to provide line management to the Clerk and Responsible Financial Officer. The HR Sub Committee is a sub-committee of the Finance & HR Committee.

### **(a) Membership**

- i. The HR Sub-Committee shall consist of up to **THREE** Councillors appointed by Full Council.
- ii. The Chairman and Vice-Chairman of KHPC will be ex-officio members unless they are HR Sub-Committee members.

### **(b) Meetings**

- i. The HR Sub-Committee will arrange meetings as required.
- ii. The meeting will be conducted in accordance with Section 4 of the Standing Orders.
- iii. The meetings shall not be open to the public.

### **(c) Voting**

- i. All decisions of the HR Sub-Committee shall be determined by majority vote.

### **(d) Rights and Powers**

The HR Sub-Committee will have delegated powers to:

- i. Make recommendations to the Finance & HR Committee for consideration and approval.

### **(e) Responsibilities**

- i. To provide regular updates to the Finance & HR Committee on the Clerk's progress.
- ii. The HR Sub-Committee is to take responsibility that confidentiality is maintained over all staffing matters under the Data Protection Act 1998 and the Model Code of Conduct as signed by all members of the Parish Council.

### **(f) Rules and regulations**

- i. The Councillor's Code of Conduct will apply to all Members of the Committee.
- ii. Any financial transaction recommended by the HR Sub-Committee will be governed by the Council's Financial Regulations.

## **4. Marketing and Communications Working Group**

### **a) Role of the Working Group**

The role of the Marketing and Communications Working Group is to develop the strategy for the marketing of the council and report their findings for recommendation to the Finance & Human Resources Committee.

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## **b) Objectives**

- i. To develop a strategy for the content of the website and make recommendations to the Finance & Human Resources Committee for its development and on-going maintenance.
- ii. To develop a strategy for the content of the Council's Social Media profiles and make recommendations for its development and on-going maintenance.
- iii. To make recommendations to the Finance & Human Resources Committee about the Council's branding and design.
- iv. To make recommendations to the Finance & Human Resources Committee to increase community engagement with residents and local groups and organisations.
- v. To make recommendations on how the resources of the council will facilitate its communications policy.

## **c) Membership**

- i. The Working Group shall consist of up to **THREE** Councillors appointed by the Finance and Human Resources Committee.
- ii. The Chairman and Vice-Chairman of KHPC will be ex-officio members unless they are Working Group members.

## **d) Meetings**

- i. The Working Group will arrange meetings as required.
- ii. Working Group meetings are informal and therefore there is no requirement to display the agenda publicly.
- iii. The meetings shall not be open to the public.

## **e) Voting**

- i. All decisions of the Working Group shall be determined by majority vote for recommendation to the Finance and Human Resources Committee.

## **f) Rights and Powers**

- i. The Marketing and Communications Working Group will have no rights and powers.

## **g) Responsibilities**

- i. To provide regular updates to the Finance and Human Resources Committee on progress.
- ii. To provide a recommendation to the Finance and Human Resources Committee for consideration including an assessment of potential risks / benefits and estimated costs of the undertaking.

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## **h) Rules and regulations**

- a.1. The Councillor's Code of Conduct will apply to all Members of the Working Group.

## **i) Delegation to the Proper Officer**

- i. None

## **5. Amenities Committee**

The role of the Amenities Committee is to oversee the management of the Council's Amenities, including Kings Hill Sports Park; Kings Hill Community Centre; Kings Hill Allotment Site; Anson Avenue Play Area; Phase 1 open spaces. They must ensure the promotion of the assets to meet the sporting, social and recreational needs of the residents of Kings Hill providing excellent facilities for community use. The Committee is also responsible for setting policies in strategic direction, finance, health and safety, community relations and organisational operations for the facilities.

### **a) Membership**

- i. The Committee shall consist of up to **SIX** Councillors appointed at the Annual Meeting of the Parish Council each May.
- ii. Up to **TWO** Councillors will be appointed as substitute members to be used as substitutes when the committee is not quorate.
- iii. Up to **THREE** non-voting members of the public may be appointed by the Committee.
- iv. The Chairman and Vice-Chairman of KHPC will be ex-officio members unless they are committee members.
- v. The Committee will elect a Chair from Councillor Members at its first meeting after the Annual Meeting of the Parish Council.
- vi. The Quorum for a meeting will be a minimum of three Councillor Members.

### **b) Meetings**

- i. The Committee is required to hold meetings on a bi-monthly basis.
- ii. The Committee will produce a schedule of regular meeting dates in preparation for the Annual Meeting of the Parish Council.
- iii. Changes to meeting dates and times should be kept to a minimum. Changes to meeting dates and times must be approved by a majority of the Committee.
- iv. It is the responsibility of Committee Members to notify the office of their absence and apologies in response to the advertising of the agenda.

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- v. The Committee will have the right to convene special meetings in accordance with the Council's standing orders.
- vi. Committee meetings are formal and therefore the agenda will be displayed publicly and standing orders will apply.
- vii. The Clerk or other appropriate officer shall attend all Committee Meetings. The attending officer shall be responsible for producing accurate minutes of the meetings.
- viii. The meetings shall be open to the public.
- ix. The Committee will hold no meetings in August unless there is urgent business to conduct.

## **c) Voting**

- i. All decisions of the Committee shall be determined by majority vote. The Chair of the Committee has the casting vote when there are equal numbers of votes.
- ii. The co-opted and ex-officio members may not vote on resolutions, unless they are full committee members or they are there as a substitute member.

## **d) Rights and Powers**

The Amenities Committee will have delegated powers to:

- i. Spend costs up to the limit of the approved annual budgets.
- ii. Oversee the management of the Council's amenities.
- iii. Plan for the strategic on-going development of the Council's amenities, making recommendations to the Council as appropriate.
- iv. Ensure the broad policy and strategic direction of the Committee is communicated with the Proper Officer for delivery by operational staff.
- v. Determine the terms and conditions of use of the facilities.
- vi. Determine the fees relating to the hire of the facilities.
- vii. Make recommendations to the Finance and HR Committee on human resource matters including recruitment, performance management and reward.
- viii. Research and investigate new activities / events / service provision within its remit / role for consideration by the Finance and HR Committee
- ix. When recommending undertaking a new activity / event / service provision to the Council, the Committee will provide an assessment of potential risks / benefits and estimated costs of the undertaking to the Finance and HR Committee
- x. Make recommendations to the Council for consideration and approval.
- xi. The Committee may appoint an appropriate sub-committee or Working Group(s) to facilitate the work of the committee within their delegated rights and powers.



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## **e) Responsibilities**

- i. The Committee is responsible for the production of written estimates of proposed income and expenditure for the Committee for the next financial year for submission to the Finance and HR Committee no later than September each year. Approval is subject to Full Council approval in December each year.
- ii. The Committee is responsible for ascertaining if they have the power to spend for any project from the Proper Officer.

## **f) Rules and regulations**

- i. The Councillor's Code of Conduct will apply to all Members of the Committee.
- ii. The conduct of the meeting will be governed by the Council's Standing Orders.
- iii. Any financial transaction approved by the Committee will be governed by the Council's Financial Regulations.

## **6. Planning Transport and Environment Committee Terms of Reference**

The role of the Planning, Transport and Environment Committee is to represent the views of the community when consulted on planning applications, to liaise with other agencies to improve transportation issues on Kings Hill and to improve the quality of life in Kings Hill by considering issues on the surrounding environment.

### **a) Membership**

- i. The Committee shall consist of up to **SIX** Councillors appointed at the Annual Meeting of the Parish Council each May.
- ii. Up to **TWO** Councillors will be appointed as substitute members to be used as substitutes when the committee is not quorate.
- iii. Up to **THREE** non-voting members of the public may be appointed by the Committee.
- iv. The Chairman and Vice-Chairman of KHPC will be ex-officio members unless they are committee members.
- v. The Committee will elect a Chair from councillor members at its first meeting after the Annual Meeting of the Parish Council.
- vi. The Quorum for a meeting will be a minimum of three Councillor Members.

### **b) Meetings**

- i. The Committee is required to hold meetings on a monthly basis.
- ii. The Committee will produce a schedule of regular meeting dates in preparation for the Annual Meeting of the Parish Council.

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- iii. Changes to meeting dates and times should be kept to a minimum. Changes to meeting dates and times must be approved by a majority of the Committee.
- iv. It is the responsibility of Committee Members to notify the office of their absence and apologies in response to the advertising of the agenda.
- v. The Committee will have the right to convene special meetings in accordance with the Council's standing orders.
- vi. Committee meetings are formal and therefore the agenda will be displayed publicly and standing orders will apply.
- vii. The Clerk or other appropriate officer shall attend all Committee Meetings. The attending officer shall be responsible for producing accurate minutes of the meetings.
- viii. The meetings shall be open to the public.
- ix. The Committee will hold no meetings in August unless there is urgent business to conduct. Any applications that are received during this time will be forwarded to the Committee and a comment will be agreed via email. This will also apply during any period of National Emergency when meetings cannot be held.
- x. Any planning applications that can not be heard within the 21 day policy will be placed on Full Council. If any planning application cannot be placed on either agenda within the required 21 day timeframe they will be forwarded to the Committee and a comment will be agreed via email.

## c) Voting

- i. All decisions of the Committee shall be determined by majority vote. The Chair of the Committee has the casting vote when there are equal numbers of votes.
- ii. The co-opted and ex-officio members may not vote on resolutions, unless they are full committee members or they are there as a substitute member.

## d) Rights and Powers

The Planning, Transport and Environment Committee will have delegated powers to:

- i. When recommending undertaking a new activity / event / service provision to the Council, the Committee will provide an assessment of potential risks / benefits and estimated costs of the undertaking To the Finance and HR Committee.
- ii. Spend costs up to the limit of the approved annual budget.
- iii. The Committee shall develop relevant policies and procedures for planning management and consider all matters relating to development plans.
- iv. Consider and make representations to the Local Planning Authority on planning applications and other related applications.

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- v. Make recommendations to Council for large outline applications for extending the development in relation to all future Section 106 agreements.
- vi. Make recommendations to Council for all s106 obligations.
- vii. Make representations on appeals and to attend public inquiries.
- viii. To have input into street names proposed by the developer/ house builder .
- ix. To work with other agencies on transportation matters for the benefit of the community to include highways; road crossings; bus shelters; winter plans; road & footpath maintenance; reduction of speeding; public transport; parking and street lighting.
- x. To work with other agencies on matters for the benefit of the community to include dog bins, road cleaning, salt bins, highway maintenance and highway cleaning.
- xi. Manage the on-going maintenance of Council's street furniture
- xii. Research and investigate new activities / events / service provision within its remit / role for consideration by the Finance & HR Committee I for approval.
- xiii. Make recommendations to the Council for consideration and approval.
- xiv. The Committee may appoint an appropriate sub-committee or Working Group(s) to facilitate the work of the committee within their delegated rights and powers.

## **e) Responsibilities**

- i. The Committee is responsible for the production of written estimates of proposed income and expenditure for the Committee for the next financial year for submission to the Finance and HR Committee no later than September each year. Approval is subject to Full Council approval in December each year.
- ii. The Committee is responsible for ascertaining if they have the power to spend for any project from the Proper Officer.

## **f) Rules and regulations**

- i. The Councillor's Code of Conduct will apply to all Members of the Committee.
- ii. The conduct of the meeting will be governed by the Council's Standing Orders.
- iii. Any financial transaction approved by the Committee will be governed by the Council's Financial Regulations.

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## **7. Clearheart Lane Planning Application Working Group**

### **a) Role of the Working Group**

The role of the Clearheart Lane Planning Application Working Group is to:

- i. develop a response to the anticipated planning application for 65 dwellings on land to the south of Clearheart Lane and to then present their response for recommendation to the Planning, Transport & Environment Committee.
- ii. to develop a response to any appeal that may take place in relation to Clearheart Lane for recommendation to the Planning, Transport & Environment Committee.

### **b) Objectives**

- i. To develop a strategy and response to the anticipated planning application for 65 dwellings on land to the south of Clearheart Lane.
- ii. To concentrate any key areas to material planning considerations and the NPPF.

### **c) Membership**

- i. The Working Group shall consist of up to THREE Councillors appointed by Full Council.
- ii. The Working Group shall also consist of up to THREE members of the public appointed by the Working Group.
- iii. The Chairman and Vice-Chairman of KHPC will be ex-officio members unless they are Working Group members.

### **d) Meetings**

- i. The Working Group will arrange meetings as required.
- ii. Working Group meetings are informal and therefore there is no requirement to display the agenda publicly.
- iii. The meetings shall not be open to the public.
- iv. The meetings will be held virtually due to Covid 19.

### **e) Voting**

- i. All decisions of the Working Group shall be determined by majority vote for recommendation to the Planning, Transport & Environment Committee. The appointed three members of the public will not have voting rights.

### **f) Rights and Powers**

- i. The Clearheart Lane Planning Application Working Group will have no rights and powers.

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## **g) Responsibilities**

- i. To provide regular updates to the Planning, Transport & Environment Committee on progress.

## **h) Rules and regulations**

- i. The Councillor's Code of Conduct will apply to all Members of the Working Group.

## **i) Delegation to the Proper Officer**

- i. None

## **8. Delegation to Proper Officer**

- a) To spend costs up to the limit as within the constraints of the annual budget within the financial regulations.
- b) To approve Council expenditure up to £500 outside of pre-approved budgets in cases of extreme risk.
- c) Day to day management of all staff of the council in line with the Employee Handbook.
- d) Recruitment of staff to approved posts at band 1 and 2.
- e) To authorise staff and Members' attendance at conferences, courses and meetings within the budget.
- f) To manage the day to day administration for the Kings Hill Allotment.
- g) Manage day to day maintenance and administration for existing open spaces, street furniture and playgrounds within approved budgets.
- h) Manage the operation of the Sports Park on a day-to-day basis within pre-approved budgets.
- i) Manage the operation of the Community Centre on a day-to-day basis within pre-approved budgets.