



SAFFRON WALDEN TOWN COUNCIL

Terms of Reference

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TERMS OF REFERENCE AND SCHEME OF DELEGATED POWERS

DELEGATED POWERS

Members will be advised by the Town Clerk whether or not a particular item under discussion is within the Committee (or Sub-Committee's) delegated powers. The minutes will then record the decision as "RESOLVED. If it is not, then the minutes will show the decision as "RECOMMENDED", and will then be brought to the Council's particular attention by the Chairman of the Committee at the next meeting of the Full Council when seeking approval and adoption of the Committee's minutes.

In any case where a Committee (or Sub Committee) Chairman and Vice Chairman are either unsure whether or not any matter falls within delegated powers, or whether or not any matter should be determined by them, they should refer that matter to the next highest level of decision. A power delegated does not always have to be exercised.

PUBLIC AND PRESS

Under Section 1(2) of the Public Bodies (Admission to Meetings Act 1960) the Council, Committee or Sub-committee may exclude the public or press from the meeting. A motion must be passed at the meeting to that effect. Exclusion of the public and press must be minuted but it does not have to be on the Agenda.

The exclusion of public and press should be used prudently and the Council must be clear on the reasons for doing so.

The press and public may be excluded for the following, but not the only, reasons:

1. To discuss terms and condition of employment, or to discuss the conduct and dismissal of a member of staff.
2. Terms and proposals and counter proposals in negotiating contracts.
3. Preparation in legal proceedings.
4. The early stages of a dispute.
5. The early stages of agreeing tender/quotation details.
6. The approval of tender/quotation details.

Public and Press should not be excluded from a meeting simply because the subject matter may be embarrassing for the Council.

TOWN COUNCIL

Prime Objectives:

To protect and encourage the future independent character and identity of Saffron Walden as a family friendly market town providing a safe, healthy, economically prosperous environment for all who live in, work in, and visit the town. To protect and enhance the historic green, open spaces and built environment of the town and its environs.

The Council will provide those local services for which it is responsible in a friendly, efficient, transparent and prudent manner on a sustainable basis and where appropriate, in partnership with other authorities and organisations to ensure that the services are provided in an integrated fashion with minimum overlapping or expenditure. The Council will provide a supportive working environment for all its employees and members to achieve our aims.

1.0 Terms of Reference

- 1.1 Membership shall comprise all members of the Council.
- 1.2 No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three, (for Full Council 1/3 of membership is 6 Members)
- 1.2 The Town Mayor and Deputy Town Mayor are *ex officio* members of every Committee and Sub-Committees of the Council with full voting rights.
- 1.4 The Council will consider the annual estimates of expenditure (budget) of the Council and setting an annual precept to be issued upon the District Council. This function may not be delegated to a Committee
- 1.5 The Council shall approve arrangements to secure the proper administration of the financial affairs of the Council under Section 151 of the Local Government Act 1972 or such other relevant legislation.
- 1.6 The Council shall deal with any matters not specifically referred to any other Committee of the Council.
- 1.7 The Council may approve any payments already made for expenditure which have been previously authorised within Standing Orders or within Financial Regulations. The Council may also delegate this authority to the Finance & Establishment Committee who may approve payments on behalf of the Council in accordance with the Standing Orders and Financial Regulations
- 1.8 The Council may approve, prior to payment, any other items of expenditure.

- 1.9 The Council must appoint a Responsible Financial Officer to manage the Council's accounts.
- 1.10 Councillors must sign a Declaration of Acceptance of Office and an agreement to abide by the Council's adopted Code of Conduct.
- 1.11 To receive the annual Statement of Audited Accounts and the Reports of both the External and Internal Auditors (these may be received following a recommendation from the Finance & Establishment Committee)

2.0 Powers

- 2.1 To elect the Town Mayor and Deputy Town Mayor at the beginning of the civic year.
- 2.2 To appoint Committees and the members of the Committees.
- 2.3 To co-opt new Councillors onto the Council following any uncontested vacancies and to make arrangements as may be necessary for the appointment of a Casual Vacancy for the position of Town Councillor
- 2.4 To consider expenditure not within previously approved budgets or to delegate this function to the Town Clerk who may act in accordance with the Standing Orders and Financial Regulations
- 2.5 To consider expenditure within a generally agreed budget but where the costs (or estimated costs) exceed that budget by more than 10 per cent.
- 2.6 To consider expenditure within generally agreed budgets but on items insufficiently clarified.
- 2.7 To approve a calendar of meetings of the Council and its Committees.
- 2.8 To advise the Town Mayor on any matter relating to the execution of the functions of that office.
- 2.9 To authorise the disposal of surplus items of plant, furniture and equipment. This matter may be delegated to the Finance & Establishment Committee
- 2.10 To nominate persons to represent the Council on other organisations.
- 2.11 To ensure the Council's compliance with the provisions of all necessary legislative requirements.

- 2.12 To approve the purchase of and repairs and maintenance to any civic insignia and to authorise and/or incur expense for items relating to civic events or civic matters
- 2.13 To approve the purchase of civic gifts.
- 2.14 To authorise support for an objection to any relevant Bill during its passage through Parliament.
- 2.15 To approve the transfer of expenditure within overall approved estimates.
- 2.16 To approve the use by other organisations of the Town Council's Armorial Bearings.
- 2.17 To appoint and dismiss the Town Clerk. To advertise for the appointment of the Town Clerk and to make arrangements for interviews by an appointed panel.
- 2.18 To agree and maintain staffing levels receiving recommendations from the Finance & Establishment Committee.
- 2.19 To borrow money for statutory functions and/or any other activity as deemed necessary and appropriate.
- 2.20 Matters may also be delegated to the appropriate Committee if the matter requires further information and /or consideration.
- 2.21 To approve Standing Orders and Financial Regulations, these may be presented to the Council following a recommendation from the Finance & Establishment Committee
- 2.22 To act upon or commission any services as deemed appropriate and in accordance with the annual budget and terms of reference of the Council or of Committees, including applying for any external grant funding
- 2.23 Matters of an urgent nature requiring settlement before the next meeting of the Council may be dealt with by the Town Clerk after consultation with the Mayor and/or Deputy Town Mayor but must be submitted for approval or otherwise to the next meeting of the Council.

3.0 Delegation of Powers

- 3.1 To delegate matters to Committees as per the terms of reference of the Committees. Council may also at its discretion, delegate other matters to a Committee which are not contained within the specific function of that committee. Items which may not be delegated to Committees are as detailed within the Town Council's Standing Orders.

To the Mayor or Deputy Mayor

- 3.2 Representation of the Council at any Committee, Sub-committee, panel or form of another authority to support the Council's best interests on any matter within the remit of the Council if these appointments or representations have not already been determined by Committee.

To the Town Clerk

- 3.3 Matters in 2.23 above.

4.0 Powers of the Standing Committees

The Council's powers and duties will be delegated to the Standing Committees in accordance with the following terms of reference unless otherwise specified.

The acts and proceedings of a Committee shall:

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

The Council may at any time without prejudice to executive action already taken revoke any executive power delegated to a Committee.

PLANNING AND TRANSPORT COMMITTEE (P&T)

Prime Objectives:

To ensure decisions on planning, highways, road traffic and other matters referred to the committee balance the wishes of the applicants with those of other interested parties, and take account of the character and amenities of the town and the preservation of the Conservation Areas.

1.0 Terms of Reference

- 1.1 Membership shall be appointed at the Annual Council Meeting
- 1.2 No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.
- 1.3 To elect a Chairman and Vice Chairman for each civic year.
- 1.4 The Committee shall receive and examine applications for planning permission received from the Local Planning Authority, Uttlesford District Council (UDC), having regard to:
 - 1.4.1 compliance with current planning policy guidance at both national and local level,
 - 1.4.2 protection of the Conservation Areas,
 - 1.4.3 effect on neighbours,
 - 1.4.4 effect on amenity,
 - 1.4.5 effect on traffic and highway safety,
 - 1.4.6 prevention of inappropriate or over-development,
 - 1.4.7 effect on street scene and landscape,
 - 1.4.8 acceptable high standard of design, and
 - 1.4.9 effect on sustainability of services,and shall make suitable recommendations to UDC as to whether or not planning permission should be approved, refused, or approved subject to certain conditions.
- 1.5 To ensure that responses to planning applications are made within the time specified on the Planning Application notice or notify UDC of a delay. All grounds for objection must be clearly supported by good planning reasons, clearly stating the planning policies and/or any material reasons for observations and comments.
- 1.6 To consider matters relating to highways and transport in and around Saffron Walden and respond to them.

- 1.7 Where necessary, to make use of site visits to finalise a decision. If members visit in an official capacity, they should not jeopardise 1.5 above.
- 1.8 To consider all appeals and submit comments where appropriate to the Department of Transport, Environment or the Regions.
- 1.9 To provide representatives for relevant UDC and other meetings and committees for seminars, briefing and training sessions appropriate to the Committee's Terms of Reference.
- 1.10 The Committee shall receive on behalf of the Council such statutory notifications as fall within the function of Town Planning.
- 1.11 The Committee shall act in respect of any other matter requiring any form of planning consideration and which is within the remit of the Committee.
- 1.12 The Committee shall, using its discretion, make a recommendation to the Council on building developments involving applications which are deemed by the Committee to be of exceptional importance to the town and these matters will be referred to Council for consideration
- 1.13 Work in partnership with Essex County Council, UDC and neighbouring parish councils to ensure that future developments enhance the future independent character and identity of Saffron Walden.
- 1.14 To review and submit for Council's consideration Terms of Reference for this Committee
- 1.15 To prepare and submit for the Council's consideration estimates of expenditure for each forthcoming year for matters pertaining to the responsibility of the Committee by the end of October.
- 1.16 The Committee has authority to act and spend monies in accordance with that agreed in the annual budget and within the terms of reference of this Committee
- 1.17 To act upon or commission any services as deemed appropriate and in accordance with the annual budget and terms of reference of the Committee, including applying for any external grant funding
- 1.18 To be the first line of reporting for the Neighbourhood Plan
- 1.19 Matters of an urgent nature requiring settlement before the next meeting of the Council may be dealt with by the Town Clerk after consultation with the Mayor and/or Deputy Town Mayor and/or Chair / Vice Chair of the Committee but must be submitted for approval or otherwise to the next meeting of the Council.

2.0 Delegation of Powers

To the Committee

- 2.1 Those functions contained in paragraphs 1.3 – 1.18 inclusive shall be delegated to the Committee.

To the Chairman and Vice Chairman

- 2.2 Representation of the Council at any Committee, Sub-committee, panel or form of another authority to support the Council's best interests on any matter within the remit of this Committee.

To the Town Clerk

- 2.3 Matters in 1.19 above.

ASSETS AND SERVICES COMMITTEE (A&S)

Prime Objectives:

To ensure that all facilities and land under the Council's ownership and control are managed effectively to provide a pleasant and safe environment for residents and visitors to the town. To ensure that all facilities comply with existing and new legislation. To oversee and be responsible for all of the Town Council's assets and services including all open spaces and buildings.

1.0 Terms of Reference

- 1.1 Membership shall be appointed at the Annual Council Meeting.
- 1.2 No business may be transacted at a meeting unless at least one-third of the whole number of members of the Committee are present and in no case shall the quorum of a meeting be less than three.
- 1.3 To elect a Chairman and Vice Chairman for each civic year.
- 1.4 The Committee shall be responsible for capital and maintenance projects of the Town Council's assets and services
- 1.5 To administer the Council's facilities, assets, services and activities including, but not limited to, the following:-
 - (a) The Town Hall
 - (b) The Tourist Information Office
 - (c) Golden Acre Community Centre
 - (d) Saffron Walden Market
 - (e) War Memorials & structures
 - (f) CCTV
 - (g) Street furniture/ bus shelters.
 - (h) Town Council Cemetery
 - (i) Bridge End Gardens
 - (j) The Common
 - (k) Allotments
 - (l) Town Council depot
 - (m) All other open spaces and properties in the responsibility of the Town Council, inc. those leased by the Town Council as landlord to 3rd parties
 - (n) Town Council website
 - (o) Any works carried out by the Town Council under contract or under licence from 3rd parties (ie verge maintenance)
 - (p) Skatepark
 - (q) Events organised by the Town Council
 - (r) Liaison and co-operation with the Town Team

- 1.6 To prepare and submit for the Council's consideration estimates of expenditure for each forthcoming year for matters pertaining to the responsibility of the Committee by the end of October.
- 1.7 To prepare and submit for the Council's consideration fees for all chargeable areas under the Committee's remit
- 1.8 The Committee has authority to act and spend monies in accordance with that agreed in the annual budget and within the terms of reference of this Committee
- 1.9 To purchase items of plant, equipment and vehicles within approved budgets.
- 1.10 Acquisition of office equipment and assets as required enabling the staff to carry out their duties.
- 1.11 To maintain and insure the Council's vehicles.
- 1.12 To act upon or commission any services as deemed appropriate and in accordance with the annual budget and terms of reference of the Committee, including applying for any external grant funding
- 1.13 The Committee shall advise the Council on the acquisition of land for the purposes of leisure and recreational activities.
- 1.14 The Committee shall advise the Council on the provision of new and the modification of existing buildings and equipment related to the leisure, recreation, or amenity aspects of the Council's business.
- 1.15 To process applications for Exhumation Orders.
- 1.16 To review and maintain Cemetery Regulations previously approved by the Council, and to consider any application for the variation of the Regulations regarding memorials and headstones.
- 1.17 To review and submit for the Council's consideration a Health & Safety policy
- 1.18 To review Risk Assessments on behalf of the Town Council
- 1.19 To review and submit for Council's consideration Terms of Reference for this Committee.
- 1.20 Matters of an urgent nature requiring settlement before the next meeting of the Council may be dealt with by the Town Clerk after consultation with the Mayor and/or Deputy Town Mayor and/or Chair/Vice-Chair of the Committee but must be submitted for approval or otherwise to the next meeting of the Council

2.0 Delegation of Powers

To the Committee

- 2.1 Those functions contained in paragraphs 1.3 – 1.19 inclusive shall be delegated to the Committee.

To the Chairman and Vice Chairman

- 2.2 Representation of the Council at any Committee, Sub-committee, panel or form of another authority to support the Council's best interests on any matter within the remit of this Committee.

To the Town Clerk

- 2.3 Matters in 1.20 above.

FINANCE AND ESTABLISHMENT COMMITTEE (F&E)

Prime Objectives:

To supervise the financial planning activities of the Council as a whole. To ensure that actions taken by the Council do not contravene statute or any other financial regulations. These objectives should be achieved within the constraints of an annual budget.

To review and consider Standing Orders, Financial Regulations and Terms of Reference within which Committees should operate, making recommendations to Council on the same.

To ensure staffing levels are satisfactory to run the Town Council efficiently. To ensure that annual staff appraisals are conducted for all Officers and to annually appraise the Clerk, in order to maintain a stable and motivated workforce. To handle staff grievances and disciplinary action in line with the Council's policies.

The Town Council is the sole trustee of the Alderman's House Charity and the Town Councillors are the managing trustees of the registered charity (No. 218101).

1.0 Terms of Reference

- 1.1 Membership shall be appointed at the Annual Council Meeting and shall comprise only of Town Councillors.
- 1.3 No business may be transacted at a meeting unless at least one-third of the whole number of members of the Committee are present and in no case shall the quorum of a meeting be less than three.
- 1.4 To elect a Chairman and Vice Chairman for each civic year.
- 1.4 To review and submit for the Council's consideration Standing Orders and Financial Regulations.
- 1.6 To review and submit for Council's consideration Terms of Reference for this Committee.
- 1.7 To authorise the attendance of Members or Officers at conferences or courses including the incurring of necessary expenditure.
- 1.8 To maintain a financial register of assets and property belonging to the Council
- 1.9 Acquisition of office equipment and assets as required enabling the staff to carry out their duties.

- 1.10 Disposal of office equipment and assets in accordance with the Town Council's disposal policy
- 1.11 To exercise control over the insurance of its property and liabilities.
- 1.12 To periodically review the policies on the Emergency Plan, Communication, Press and Media and Community Engagement.
- 1.13 To approve the payment of the Mayor's allowance.
- 1.14 To receive the annual Statement of Audited Accounts and the Reports of both the External and Internal Auditors and make recommendations to the Council on any actions required.
- 1.15 To review and manage the Council's risk management strategy.
- 1.16 To review and submit for the Council's consideration its system of internal audit.
- 1.17 To ensure that Committees receive up to date Financial Statements each quarter.
- 1.18 To consider applications for grants within a budget previously approved by the Council and to approve subject to the Council's policy on awarding of grants. No application shall be laid before the Committee for consideration until a statement of accounts is received by the Town Clerk in support of the application.
- 1.19 To prepare and submit for the Council's consideration estimates of expenditure for each forthcoming year for matters pertaining to the responsibility of the Committee by the end of October.
- 1.20 To prepare and submit for the Council's consideration fees for all chargeable areas under the Committee's remit
- 1.21 The Committee has authority to act and spend monies in accordance with that agreed in the annual budget and within the terms of reference of this Committee
- 1.22 To act upon or commission any services as deemed appropriate and in accordance with the annual budget and terms of reference of the Committee, including applying for any external grant funding
- 1.23 The Committee will place before the Council annual estimates of expenditure (budget) relating to matters within its responsibility, having had regard to estimates of expenditure approved by the other Council committees by the end of November.
- 1.24 To ensure that all Officers are conversant with the Employees Handbook governing their modus operandi at work.

- 1.25 Appraisals are conducted for all Officers.
- 1.26 To conduct the Town Clerk's annual appraisal.
- 1.27 To handle staff grievances in accordance with the Council's Grievance Policy.
- 1.28 To handle staff disciplinary matters in accordance with the Council's Disciplinary Policy.
- 1.29 To authorise the advertisement of vacant posts within an agreed staff establishment, other than for the post of Town Clerk which must be the responsibility of the Council.
- 1.30 To approve the payment of reasonable expenses in relation to the appointment of staff.
- 1.31 Annually to review staff salaries and making recommendations to the Council.
- 1.32 To agree contracts, job descriptions and suitable salaries for all staff. At the Committee's discretion, this matter may be delegated to the Mayor and/or the Chair and/or Vice-Chair of the Committee and the Town Clerk for progression who will report back to the Committee
- 1.33 To develop and monitor a robust annual training programme for staff and members
- 1.34 Matters of an urgent nature requiring settlement before the next meeting of the Council may be dealt with by the Town Clerk after consultation with the Mayor and/or Deputy Town Mayor and/or Chair / Vice-Chair of the Committee but must be submitted for approval or otherwise to the next meeting of the Council.

2.0 Delegation of Powers

To the Committee

- 2.1 Those functions contained in paragraphs 1.3 – 1.33 inclusive shall be delegated to the Committee.

To the Chairman and Vice Chairman

- 2.2 Representation of the Council at any Committee, Sub-committee, panel or form of another authority to support the Council's best interests on any matter within the remit of this Committee.

To the Town Clerk

- 2.3 Matters in 1.34 above.

POWERS SPECIFICALLY DELLEGATED TO THE TOWN CLERK

- 1.2 In conjunction with the Chairman and Vice Chairman of the Finance & Establishment Committee and the RFO, investing the Council's monies on condition that such monies are appropriately invested with the Council's appointed bankers, the Post Office or a reputable building society.
- 1.3 Acting as the Council's "Proper Officer" in all cases where any legislation requires the appointment of such an Officer.
- 1.5 To spend up to £5,000 in situations where (s)he considers such expenditure to be justified after consultation with the Mayor or Deputy Mayor. This sum of money is in accordance with item 4.1 of the Town Council's Financial Regulations
- 1.6 Expenditure on items as contained and authorised within the Town Council's Standing Orders.