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STANSTED MOUNTFITCHET

PARISH COUNCIL

**Terms of Reference & Schemes of Delegation**

**Council, Committees and Sub-Committees**

Adopted by the Council on 24th August 2020

Reviewed and approved by the Council on 8th September 2021

Reviewed and approved by the Council on 11th May 2022

Reviewed and approved by the Council on 10th May 2023

**INTRODUCTION**

Local Councils may only do what legislation requires or permits them to do. The Local

Government Act 1972, s101 (with some exceptions) allows the Council to delegate functions to committees, sub committees, officers, or other authorities.

The business and proceedings of Stansted Mountfitchet Parish Council, its Committees,

Sub-Committees and Working Groups is also regulated by its Standing Orders, but in general: -

* Committee Members will be agreed at the Annual Meeting of the Council in May. Switching between committees mid-year may be agreed provided that the number of members on each committee does not alter.

* Committees should, where possible, have representatives from all wards.

* Election of the Chairman is the first business at the Annual Meeting of the Council in May.

* Council and Committee Meetings will be held on Wednesdays throughout the year at 7.30pm unless otherwise stated on the agenda.

* Election of the Committee Chair and Vice-Chair will be the first business of the initial Committee/Sub-committee/Working Group Meetings.

* The Clerk or other appropriate officer will record meetings.

* Standing orders on rules of debate and interests of members apply.

# Full Council

[Words appearing in **bold**, below, indicate specific authority.]

***Specific duties and powers reserved to the Full Council***

1. **Duty** to sign declaration of acceptance of office (Councillors and Chair)
2. **Duty** to appoint a Responsible Financial Officer to manage the council's accounts
3. **Power** to arrange for the discharge of functions by another local authority
4. **Duty** to hold annual parish council meeting
5. **Duty** to hold annual parish meeting
6. **Power** to convene a parish meeting

***General Powers Budget and Constitution***

1. To **approve** an annual budget, reflecting priorities identified through operational review.
2. To **approve** the annual budget precept.
3. To **approve** the financial management framework, financial procedures and controls, including audit, across all its services.
4. To **approve** annual objectives, targets and performance indicators.
5. To **approve** Financial Regulations and ensure their annual review.
6. To **approve** the staffing structure.
7. To **approve** a performance management policy and pay policy ensuring that these meet nationally agreed terms of pay and conditions.
8. To **approve** the use and development of land and premises, including any shared or off-site facilities, including security.
9. To **approve** the Risk Assessments and Statement of Internal Controls (annually).
10. To **approve** Standing Orders and ensure their annual review.
11. To **approve** capital projects and developments across all services.
12. To **approve** any policy affecting the conduct of the Council, its services and its staff.
13. To **approve** changes to the Council’s Constitution, including any recommendation from a committee to **establish** any sub-committee.
14. To **agree** comments on planning applications for submission by the Clerk.
15. To **convene** Extraordinary Council Meetings where appropriate.

***Powers related to services***

1. To **approve** fees and charges annually.

ii. To consider and comment on every application affecting Stansted Mountfitchet. This includes planning applications, public transport and highways matters and issues. The list of planning applications to be considered will accompany the agenda.

**Quorum**

Five members must be present for a Full Council meeting to proceed.

***Reserving of Powers***

Full Council retains the right to determine (and to reserve to itself) any issue which is within its powers and duties as a parish council, including those which are (within these terms of reference and from time to time) delegated to its committees and officers, by simple resolution.

**Finance & General Purposes Committee**

# Purpose

To deal with all matters concerning finance, administration, assets (including Mountfitchet Exchange, Crafton Green House, the Day Centre and Crafton Green Car Park) and Council employees.

# TERMS OF REFERENCE

To manage the Council budget and its assets. This includes:

* Budget & finance, including planning/annual budgets/payment of accounts/financial audits/ setting of fees & charges
* Premises & Capital Assets, including the Day Centre and its operation
* Capital projects and spend
* Licences, leases and agreements (other than allotments)
* Personnel & human resources issues
* Monitoring and overseeing Corporate Governance arrangements
* Grant Aid requests
* Review of Risk Assessments
* Christmas Lighting Display / Bonfire Night

These terms of reference are to be reviewed annually at the Statutory Annual Meeting of the Stansted Mountfitchet Parish Council

# Committee

6 Parish Councillors plus The Chair and Vice-Chair of the Council who are ex-officio members with full voting rights as per Standing Orders

**Quorum**

Three members must be present for this meeting to commence.

# Meetings

The Committee meets on dates and times as approved by the Council and will usually take place in the Council Offices. Extraordinary meetings may be arranged if deemed necessary.

Councillors are expected to work with the RFO in the management of the Council’s financial resources and to consider and recommend strategy and action on policy and operational matters concerned with Council’s finances, property and resources

# SCHEME OF DELEGATION

1. To **agree** effective procedures for monitoring the budget;
2. To **authorise** expenditure within approved budgets;
3. To **approve** any virement and supplementary budget requests within the Council’s agreed overall budget;
4. To **approve** the level of delegation to the Clerk for the day-to-day financial management of the

Council and its services;

1. To **consider** committee budgets and **recommend** precepts and submit to Full Council for approval.
2. To **consider** making investments in the long and short term.
3. To **oversee** matters relating to the Youth Centre, Day Centre, Windmill.
4. To **oversee** street lighting maintenance.
5. To **oversee** the Council’s management of communications including the website, social media etc.
6. To **approve** changes to the Council’s Fixed Asset Register.
7. To **ensure** adequate financial controls are in place to utilise and protect the Council’s finances and assets- to include insurance of buildings and property.
8. To **recommend approval to Full Council** of policies, guidelines and strategies on human resources and any industrial relations matters, including (but not limited to) roles mandated with respect to the Council’s Disciplinary and Grievance Policy and the Appraisal of the Clerk and ensure the Council properly undertakes its responsibilities for its staff and others relating to welfare, health and safety, working time directive and pensions provision.
9. To **recommend approval to Full Council** of a health and safety policy, with respect to premises and assets, that complies with legislation and to ensure that appropriate checks and assessments are carried out and prioritised for necessary action.
10. To **approve** capital expenditure and planned and preventative maintenance expenditure with respect to premises and assets including street-lighting and the village Windmill.
11. To **act** on behalf of the Council in relation to any planning applications it proposes to make.
12. To **approve** the actions needed to address any issues identified through external review and to monitor and evaluate regularly the implementation of any plan agreed;
13. To **review** all licences, leases and agreements (other than Allotments) and make recommendations in respect of any amendments to Full Council;
14. To consider and ultimately **approve** requests from organisations for financial donations in accordance with the Council’s Grant Aid Policy;
15. To **approve** programmed service expenditure within budgets agreed by Full Council;
16. To **approve** remedial action where projected out-turn variation on the whole committee budget exceeds 5%;
17. To **review and recommend** to Full Council any amendments to the Council’s Financial Regulations annually
18. To **monitor and effect compliance** with laid down internal and external audit and any other financial procedures, regulations, statutes
19. To **monitor** the Council’s financial risk assessments and **recommend** changes as appropriate
20. To **approve** the tendering and selection of contracts;
21. To **approve** the selection of contractors.
22. To **recommend** the annual accounts to Council for approval
23. To **oversee** an attractive Christmas lighting display that enhances the Village for the Christmas period and the annual Bonfire Night event.

## *Appointment of sub-committees, panels, working or task and finish groups*

The Committee shall **appoint** panels, temporary working or task and finish groups relevant to the functions of the Committee and receive reports from them and may request the Council to establish any relevant sub-committees.

**Open Spaces Committee**

**Purpose**

To deal with all matters concerning allotments, planting and grass cutting contracts, cemetery and burials, play areas and equipment, and all open spaces within their control.

## TERMS OF REFERENCE

The maintenance, management and improvements of outdoor facilities. This includes:

* Allotments
* Skatepark
* St Mary’s Churchyard and the Memorial Gardens
* Supporting Environmental Issues
* Playgrounds and Play Equipment
* Recreation Grounds and all Public Open Spaces
* Seats and litter bins
* Stansted in Bloom
* Events that may be agreed and promoted by the Parish Council

To submit proposals for the following financial year to the F&GP Committee not later than the end of October each year including any proposals for revising the forecast.

These terms of reference are to be reviewed annually at the Statutory Annual meeting of Stansted Mountfitchet Parish Council

## Committee

7 Parish Councillors plus The Chair and Vice-Chair of the Council who are ex-officio members with full voting rights as per Standing Orders

When appropriate external advisor(s), stakeholders, partners and or electorate representative(s) shall be invited to attend meetings.

**Quorum**

Three members must be present for this meeting to commence.

## Meetings

The Committee meets on dates and times as approved by the Council and will usually take place in the Parish Office. Extraordinary meetings may be arranged if deemed necessary.

# SCHEME OF DELEGATION

1. To **approve** programmed service expenditure within budgets agreed by full Council and to submit a report to the Finance and General Purposes Committee where projected out-turn variation on the whole committee budget exceeds 5%.
2. To **authorise** expenditure within approved budgets;
3. To **approve** the tendering and selection of contracts;
4. To **approve** the selection of contractors;
5. To be the **liaison body** between the Parish Council and allotment holders.
6. To **approve** Allotment rules, procedures and policy, to action and review letting and lease agreements and make recommendations in respect of any amendments to Full Council and to monitor enforcement action.
7. To **oversee** any environmental issues affecting Stansted Mountfitchet.
8. To **approve** any maintenance schemes for any maintained open space e.g. Memorial Gardens;
9. To **approve** any operational and maintenance requirements of play areas and recreation grounds within the Council’s control;
10. **Ensure** annual safety inspections are carried out to meet legal requirements for open spaces and play equipment and to consider the results of the 5-yearly inspections for memorial safety in the Cemetery and Churchyard.
11. To **review** Burial Ground regulations periodically and submit any recommendations to Full Council.
12. **Plan for** any increased capacity for burial ground as appropriate and incorporate appropriate financial planning.
13. **Promote** the accessibility and use of Public Rights of Way.
14. To **oversee** all seats, dog and litter bins within the Council’s control, including the Memorial Seat scheme.

15 To **approve** any Council run events, which enhances the Village and benefits the Community;

16 To **co-ordinate** consultation with stakeholder groups where specific use of the open space will impact on the community/the general agreed use of the space.

1. To **approve** any occasional event hire by third parties of public open spaces managed by the

Council, to be administered by the Clerk and to **review** any request falling outside the procedure.

## *Appointment of sub-committees, panels, working or task and finish groups*

The Committee shall **appoint** panels, temporary working or task and finish groups relevant to the functions of the Committee and receive reports from them and may request the Council to establish any relevant sub-committees.

**Personnel Sub-Committee**

## Purpose

To oversee matters relating to Council employees in line with relevant legislation and the Council’s employment policies on behalf of the Finance and General Purposes Committee.

## TERMS OF REFERENCE

• To deal with matters which may arise and which are likely to directly or indirectly affect the terms and conditions of Council employees.

## Committee

The Parish Council Chair and Vice Chair plus the Chairs of the Open Spaces and Finance and General Purposes Committees and one other member

**Quorum**

Three members must be present for this meeting to commence.

## Meetings

The Committee meets on an as required basis in the Council Offices.

The press and public are excluded from all meetings of the Personnel Sub-Committee and as such the minutes of this Sub-Committee will not be available to the public unless otherwise directed by a properly authorised body. Matters arising from the meeting or documentation cannot be disclosed in open session and will need to be dealt with in closed session *(Standing Orders 11, 20 and 21)*.

# SCHEME OF DELEGATION

1. The Personnel Sub-Committee has specific delegated powers. The sub-committee makes **recommendations** on matters relating to employees of the Council for approval by the Full Council.
2. With the **agreement** of the Chair of the Sub-committee, matters may be submitted to the Finance and General Purposes Committee or Full Council directly.
3. To **establish and review** performance management policy and pay policy (within the agreed budget) for all Parish Council staff and be responsible for their administration and review.
4. To **review** staffing structures and levels and make recommendations to the Council.
5. To **review and recommend** contracts of employment, job descriptions, person specifications for staff and to review the Clerk’s /RFO’s performance.
6. To **appoint** a recruitment panel to recruit Parish Council staff- subject to ratification of the appointment by Full Council.
7. To **ensure** the Council complies with all legislative requirements relating to the employment of staff.
8. To **arrange** execution of new employment contracts and changes to contracts.
9. To review and take appropriate **action** on annual performance appraisals of all Parish Council staff in line with Council policy and procedure.
10. To **review** health and safety at work for all Council employees.
11. To **oversee** any process leading to dismissal of Parish Council staff including redundancy.
12. To regularly **review** staff working conditions.
13. To **monitor** staff leave and absence and address any issues of regular or sustained staff absence.
14. To **appoint** members to consider grievance or disciplinary matters (and any appeals) in line with the Parish Council Grievance and Disciplinary policy and procedures.

## Emergency Planning sub-Committee

**Committee**

6 Members plus the Chair and Vice-Chair of the Council. There will be a minimum of four parish councillors as members of the group. Non-members of the Council may be co-opted. The Chair and Vice-Chair of the Council shall be ex-officio members with full voting rights as per Standing Orders

**Quorum**

Three members must be present for this meeting to commence.

**Meetings**

The Committee meets on an as required basis in the Council Offices.

**Terms of Reference**

To deal with matters which may arise and which are likely to directly or indirectly affect the smooth operation of the Council or the safety of the community. In the event of an emergency, the sub-committee is authorised to take immediate action subject to the approval of the Chairman and Vice-Chairman of the Council, or in their absence, two other members of the Council.

**Responsibilities**

1 To prepare a General Emergency and Flood Plan for approval by the Council.

2 To prepare a Contingency Plan to safeguard the Council’s operational abilities for approval by the Council

3 To review the above documents annually

4 To provide assistance and support to other authorities/voluntary organisations in the event of an emergency including, but not limited to, Essex County Council, Uttlesford District Council, the Environment Agency.

5 To prepare and review an annual gritting/salting programme.

6 To provide or arrange training for volunteers, ie Flood Wardens.

## Highways sub-Committee

**Committee**

7 Members plus the Chair and Vice Chair of the Council. There will be a minimum of five parish councillors as members of the group. Non-members of the Council may be co-opted. The Chair and Vice-Chair of the Council shall be ex-officio members with full voting rights as per Standing Orders

**Quorum**

Three members must be present for this meeting to commence.

**Meetings**

The Committee meets quarterly in the Council Offices.

**Terms of Reference**

To consider matters relating to highways and transport in and around Stansted Mountfitchet and consider a

programme of potential improvements for consideration by the Full Council.

**Responsibilities**

1 To draft, for approval by the Full Council, representations to the District and County Councils on Highways and Transport related consultations and to encourage public participation in this process.

2 To promote any public consultation and exhibitions relating to major schemes.

3 To encourage public transport representatives to make regular representations to the sub- committee to update on the local position and proposed changes to service provision.

4 To work in partnership with other authorities including, but not limited to, Essex Highways, Uttlesford District Council, the Uttlesford Local Highways Panel, to deliver highway and transport improvements.

5 To monitor delivery of the schemes approved under the Foresthall Park S.106 Highways Fund held by Essex County Council.

## Windmill sub-Committee

**Committee**

6 Members. There will be 3 parish councillors and 3 members of The Millers volunteer group co-opted. The Chair and Vice-Chair of the Council shall be ex-officio members with full voting rights as per Standing Orders.

**Quorum**

Three members must be present for this meeting to commence.

**Meetings**

The Committee meets quarterly in the Council Offices.

**Terms of Reference**

To consider all matters relating to the Stansted Windmill.

**Responsibilities**

1 To monitor the fabric of the building, and all its parts, to safeguard it for the community.

2 To agree with the Stansted Millers a programme of capital and maintenance works and responsibilities, including inspections by an independent millwright.

3 To obtain any necessary permissions from Historic England (or other agency) for proposed works – the Windmill is a Grade II\* listed building and scheduled Ancient Monument.

4 To support The Millers in fund raising events.

## The Clerk

**General Responsibilities**

1. To act as the Proper Officer of the Council in carrying out all of its functions and to issue all notifications required by law. The Clerk may also be appointed as the Council’s Responsible Financial Officer.
2. To assume total responsibility for ensuring that the instructions of the Council are carried out in connection with its function as a local authority.
3. To make orders, incur expenditure and process payments within authorised budgets.
4. To be accountable for the effective management of all of the Council’s resources.
5. To have overall responsibility for the Council’s administrative service including initial handling of complaints and Freedom of Information requests.
6. To act as a general manager in respect of all of the Council’s services, projects and initiatives.

**Specific Responsibilities**

1 To assume overall responsibility for the supervision of the Council’s staff, in keeping with the policies of the Council, and to ensure that all necessary activities are undertaken in connection with the management of salaries, conditions of employment and work of staff.

2 To ensure that the contractual arrangements with the Council’s contractors are organised on an acceptable basis.

3 To liaise with outside organisations (locally, regionally and nationally) to strengthen the role of the Council and to effect improved communication.

4 To act as the representative of the Council as required.

5 To have overall responsibility for maintaining, implementing and monitoring the effectiveness of the Council’s procedural and policy documents, within the policy framework defined by the Council.

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1 And, in the absence of the Clerk, the other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent, as defined in Standing Order 16.1

## The Responsible Financial Officer

**Responsibilities**

1 To act as the Council’s Responsible Financial Officer in ensuring that the Council’s financial processes and records are acceptable and that the Council’s finances are carefully administered.

2 To have overall responsibility for the Council’s accounts and for the preparation of appropriate records for audit and VAT purposes.

3 To liaise with the F&GP Committee and Full Council, auditors and accountants as and when required.

4 To provide the F&GP Committee and/or Full Council with timely and regular financial and budget reports.