



ALDENHAM PARISH COUNCIL

TERMS OF REFERENCE AND DELEGATED POWERS

INTRODUCTION

This Scheme of Delegation forms part of the Council's Financial Regulations and will be reviewed at least annually Once all committees have reviewed their terms of reference and after the annual meeting of the council. Those with delegated responsibility are referred to by job title, therefore any changes in job titles will be adjusted at the review.

One of the purposes of the document is to define the parameters within which Officers of the Council are able to act without reference to either their line managers or Members. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place. Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

The other purpose of the document is to capture the various delegated powers throughout the council, including those delegated by the Council to its various committees. This document incorporates the Terms of Reference of the committees.

The powers and duties set out in this scheme are delegated to the Council Manager (CM). The CM may delegate these duties and powers to other Officers within the Council.

DELEGATED POWERS

Members will be advised by the CM whether or not a particular item under discussion is within the 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 that Committee at the next meeting of the Full Council when seeking approval of the Committee's minutes.

In any case where a 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 delegated power does not always have to be exercised.

Working Parties have no delegated powers so all recommendations from them must be resolved by the Full Council

PUBLIC AND PRESS

Under Section 1(2) of the Public Bodies (Admission to Meetings Act 1960) "that as publicity would be prejudicial to the public interest by reason of the {Special} {Confidential} nature of the business about to be transacted at Agenda Item... Namely... (state nature of business e.g. 'To receive the PCM report'), it is advisable in the public interest that the Public and Press be temporarily excluded from this meeting and they are herewith instructed to withdraw."

Exclusion of the public and press must be minuted but it does not have to be on the Agenda.

There shall be no audio or visual recording or photographs of meetings without the express prior approval of the Council.

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

The press and public can be excluded for the following reasons:

- 1.0 To discuss terms of service, or to discuss the conduct and dismissal of a member of staff
- 2.0 Terms and proposals and counter proposals in negotiating contracts
- 3.0 Preparation in legal proceedings
- 4.0 The early stages of a dispute
- 5.0 The early stages of agreeing tender/quotation details
- 6.0 The approval of tender/quotation details
- 7.0 To discuss a matter of commercial sensitivity.

Powers Reserved to Council

Membership: All Councillors

Quorum: One third of the total membership.

Matters to be resolved only by Council

- Issuing the precept
- The Power to raise loans
- Approving the end of year Accounts and Annual Return.
- Incurring capital expenditure over and above the Council's approved budget.
- Incurring revenue expenditure which is over and above the Council's approved budget and is in excess of £500 per item (unless incurred already under Financial Regulations)
- The Council has ultimate responsibility to ensure financial balance and probity.
- Initiating requests for boundary reviews and commenting during the course of such reviews
- Amending Standing Orders and Financial Regulations
- Setting the number of Committees and Working Parties, and the names and number of Members appointed to each Committee.
- Determining the functions and constitution of Committees.
- Setting the dates of routine meetings of the Council and its Committees.
- Filling of Member vacancies occurring on any Committee or Council

- Appointing or nominating persons to fill vacancies on outside bodies.
- Confirming the appointment of, and dismissal of the Council Manager.
- All policy issues in relation to the Neighbourhood Plan
- All other matters which must, by law, be reserved to the full Council.
- Where the expenditure of an item is above £10,000 this matter will always be considered by the Full Council.
- To co-opt onto the Council new Councillors for un-contested vacancies during the term of the Council.

Delegation to Committees

POWERS AND DUTIES OF STANDING COMMITTEES

Subject to the above, and to observance of decisions of the Council on matters of principle or policy, all the Council's powers and duties shall 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:

- where they are delegated to the Committee, so far as is legally permissible be deemed the acts and proceedings of the Council;
- as regards other matters, be subject to confirmation by the Council, and when confirmed shall be deemed the acts and proceedings of the Council;
- in all respects, be subject to the provisions of the Council's Standing Orders and Financial Regulations except as otherwise determined by the Council.
- Committees/Council are authorised to establish working parties, and to appoint advisers as and when they deem necessary to assist in their work subject to adherence at all times with the Council's Standing Orders and to clear terms of reference being established at the outset. Working Parties will have no authority to act on behalf of the council they can only recommend to the council or committee.
- The Council may at any time without prejudice to executive action already taken revoke any executive power delegated to a Committee.
- 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.

Delegation of Power

To the Chairman and Vice Chairman of the Council.

Matters of an urgent nature requiring settlement before the next meeting of the Council may be dealt with by the Chairmen in conjunction with the CM (or in his absence the Deputy Clerk) and at their discretion but must be submitted for approval or otherwise to the next meeting of the Full Council.

To the Committee Chairman

Matters of an urgent nature requiring settlement before the next meeting of the Committee may be dealt with by the Chairman and the Vice Chairman of the Committee in conjunction with the CM.

Powers specifically delegated to the Council Manager

Authorising expenditure on items where the Council, or the appropriate Committee under delegated powers, within a budget approved by the Council, has agreed the expenditure (up to £5,000)

Investing monies held by the Council with a view to obtaining the best rates of interest as directed by the Finance & General Purposes Committee.

The power to act as the Council's "Proper Officer" in all cases where any legislation requires the appointment of such an officer.

To act as the Responsible Officer for Health and Safety and Finance.

The CM is the head of the Councils Administration and its day to day functioning. They are responsible for the internal management and organisational of the tasks/policies set by the Council.

To enter into day to day contracts on behalf of the council, such as utilities, or if delegation has been authorised by either Council or its committees, and unless stated by statute, this power can be delegated by the CM to other officers if he/she sees fit.

To notify the Returning Officer of all casual vacancies arising in the membership of the Council as required by statute and to liaise with him or her regarding the conduct of elections.

To take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council (such action must be reported to council at the earliest opportunity)

To institute, defend and appear in any legal proceedings authorised by the Council. To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of the parish);

To decide arrangements for the closure of the Council offices in the Christmas/New Year period, subject to agreement with the F&GP Committee.

To manage the Council's facilities and assets, including parks, open spaces, amenity areas, other buildings and assets.

To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.

To implement national pay awards and conditions of service (once approved by Finance & General Purposes Committee)

Financial Matters

The CM is authorised as follows: -

To incur expenditure (including issue of purchase orders) up to a maximum of £5,000 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Standing Orders/Financial Regulations.

To recommend to the relevant Council/committee quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to the cost not exceeding the amount of the approved budget and all the requirements of the Council's Financial Regulations being complied with.

To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.

To recommend to the F&GP Committee options on investing monies held by the Council with a view to obtaining the optimum financial return.

Debt monitoring and recovery to be the responsibility of the Council (above a de minimis level).

Staffing Matters

The CM is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including: -

- a. The initial appointment of officer interviews will be carried out by the CM and Deputy Clerk, with recommendations then made to the relevant committee chairman for a final interview.
- b. The employment of temporary employees (within budget);
- c. Control of staff performance and discipline and performance, including the power of suspension and dismissal, in accordance with the policies set by the F&GP Committee and approved by Council.
- d. Payment of expenses and allowances in accordance with the Council's scheme;
- e. Dismissing members of staff;
- f. To present to the F&GP Committee guidance on recommendations for employees' salary reviews, in accordance with the Council's staff appraisal system.

Property Matters

The CM is given authority to manage the land and property of the Council including: -

- a. Agreeing the terms of any lease, licence, conveyance or transfer approved by Council.
- b. The granting or refusal of the Council's consent under the terms of any lease;
- c. Variations of restrictive covenants of a routine nature;
- d. Recommending to Council on the granting of easements, wayleaves and licenses over Council land;

- e. Initiating legal action or proceedings against unauthorised encampments on Council land

Urgency

The CM is authorised to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council or relevant committee. One or both of the Chairmen of the Council or of any relevant committee are to be consulted before such action is taken.

Planning Committee – Terms of Reference

- The Committee reports to the Full Council.
- The Committee usually meets twice a month. (Normally first and third Monday of the month)
- All members of the Committee have voting rights; other Councillors can attend meetings but have no voting rights.
- Members of the public are welcome to attend and make representations at the meeting on any item on the agenda.
- There will be a maximum membership of eight Parish Councillors, a minimum of three members constitutes a quorum. Due to the fact that this committee has to meet response deadlines, where the committee is likely to be close to quorate or below, the Chairman and planning officer will contact other councillors to enquire as to whether they can substitute and the substitute will have voting rights.
- Proposed inclusion - Where the committee can either not meet or will miss a deadline, executive powers will be given to the Chairman, or in their absence the Vice Chairman with one other committee member and the Council Manager, to make observations in respect of planning applications referred to Aldenham Parish Council (APC) by Hertsmeire Borough Council (HBC) and to respond accordingly. Such meeting can either be by zoom or by e-mail exchange. Any observations made will be reported to the next planning committee meeting.
- G Taylor is co-opted to the Committee as he brings a wealth of planning expertise to the Committee. He has, however, no voting rights.
- The Committee shall be responsible to the Parish Council for:
 - Responding to Planning Applications (but see note below) and Licensing Applications to which the committee sees fit (giving the committee the option not to have to respond to all applications).
 - Responding to Appeals. The Officer will resend the comments of the Committee if requested.

- Responding to Consultation Documents involving planning and transport.
- Responding to Consultation Documents involving public rights of way.
- Unless a member of the Committee requires otherwise, the Committee will no longer respond to Planning Applications for Certificate of Lawful Development Existing (CLE) or Certificate of Lawful Development Proposed (CLP) as APC comments are not taken into account when determining these applications.
- The Committee will no longer respond to Planning Applications for Listed Building Consent (LBC) but will be guided by the Conservation Officer at HBC.

Finance & General Purposes Committee –

Terms of Reference

- The Committee is a standing committee of the Council appointed at the Annual Meeting. As such it is autonomous; its decisions do not require ratification by the Council, unless a matter is specifically referred up. Its conduct is subject to those stated in standing orders.
- The Committee meets in June, September, November, January & March. The January meeting of the committee will agree the budgets for every committee and recommend a precept figure to Full Council. If any extra meetings are required this will be decided in conjunction with the Chair & Vice -Chair of this committee
- There will be a nominated membership of six Parish Councillors, with a quorum of three.
- All members of the committee have voting rights; other Councillors can attend meetings but have no voting rights. Members of the public are welcome to attend and address the meeting, but have no voting rights.
- The Committee shall be responsible to the Parish Council for:

Setting and monitoring the budget and recommending the precept amount to the Council.

Allocating funding for Projects, through Capital and Earmarked Reserves and Section 106/CiL

Receiving and considering applications from organisations on small community and CiL grants

Investment Analysis

Audit

Risk Management

Health and Safety

Insurance

Producing and reviewing Council's Policies

Human Resources

Long term management of the properties of the Council.

WORKING PARTIES

Access for All

Background

Aldenham Parish Council (APC) as part of its links to the community are aware that as leaders of the local communities of Radlett, Aldenham, Letchmore Heath and other small villages within the civic parish of Aldenham, it should use whatever influence it has to improve the lives of all its residents.

Coinciding with the release of the Government's National Disability Strategy, Aldenham Parish Council created this working party appropriately named, 'Access for All'. This working party addresses the many aspects of our local environment, from high street walkways to parks and open spaces, which could and should be more physically/ practically accessible for carers and people of all ages with any level of disability - visible and otherwise.

Aldenham Parish Council's Access for All Working Party, an evolving Working Party in as much of its member make up and focus, is committed to our community becoming a positive example of inclusion.

This Working Party has the fixed, current aim of identifying all ways we can put inclusion vis a vis disability and age-related conditions at the heart of activity, environment, and daily life.

Our public message is currently 'If you are disabled or have a medical condition, are a carer, have someone in your family living with the challenges of disability or age-related issues such as dementia, or want to drive equality in our community for any reason - the Access for All Working Party would love to hear from you'.

While the Working Party has this fixed, current aim, we are alive to sign-posting for, celebrating and/ or probing for information around all areas of inclusion where possible and appropriate. As the Working Party evolves and reviews its Terms of Reference, its focus can be reviewed formally.

The Working Party investigates matters independently, which can then be discussed by the full council and then become policy.

This working party has the brief to provide facilities as follows:

- Focus on the issues that affect people regardless of their particular needs in our parish.
- To investigate where issues exist and the scale.
- To seek ideas from the community for solutions to these issues, understanding that no one person has all the answers.
- To consult the wider community, including other level of local government, quangos, businesses and charities, to look for workable solutions.
- The group will endeavour to find the best possible ways to make everything it undertakes fair and accessible as it evolves its work.
- To ensure that all communication is available in an accessible form as possible.
- To celebrate the rich diversity within the parish.

Membership

- There will be at least one members of APC
- The working party will invite residents on to the working party particularly where they have relevant expertise/experience.

Meetings

- These will be as often as the working party deems necessary and can be held virtually where possible.
- The agenda for the meetings will be agreed by the Chair and the APC officer before circulation to all members, agenda items can be suggested by any member.
- These will be minuted by a member of the APC office staff.
- Minutes will be agreed by the Chair of the working party and then circulated to all members and then will form part of the report back to the APC full council.
- The working party will be appointed annually by APC council (normally in May unless the working party itself decides not to continue).

Reporting

- As stated above all WP minutes and recommendations will be written by the APC officer and submitted to Full Council for final approval.
- This working party has no remit to spend money on behalf of APC or enter into any contract with a third party.

RNP Community Projects - Cycling/Footpaths Working Party

Terms of Reference

This working party is formed to review projects 3 (footpath improvements) and 4 (Improved Access for cyclists) identified in the Radlett Neighbourhood Plan and recommend to Aldenham Parish Council possible solutions and activities to address some of the issues identified.

The working party will consist of nominated councillors, and any resident of the parish of Aldenham the working party feel can help the group achieve the goals.

The projects outlined by the RNP are as follows:

Project 3: Footpath improvements outside the settlement

Project description: A footpath accessing the Green Belt on the east side of the village between The Warren and Harper Lane via Park Avenue - Page 63 Figure 19b (1)

Project description: A footpath from Shenley Road to Theobald St connecting footpath A55 to A54 with a spur from A55 to Williams Way - Page 63 Figure 19b (2)

Project description: A footpath along Tykes Water to the south of the village connecting with Tykeswater Lane

Project description: A re-classifying of some existing footpaths to bridleways to facilitate better access by cyclists and horse-riders to existing network of bridleways.

Project description: Upgrading Aldenham A27 to a path that could be used by cyclists giving access to a network of bridleways - Page 63 Figure 19b (3).

Delivery lead: APC working in partnership with HCC, HBC, landowners and other stakeholders

Project 4: Improved access for pedestrians, cyclists and bus-users

Project description: Maintenance work for an attractive local walking and cycle network

Project description: Coordinated bus services within the village, to Stanmore Underground Station and destinations such as local schools and hospitals

Project description : Environmental improvements and access for pedestrians to Tykes Water within the Newberries car park precinct including landscape improvements of Tykes Water surrounds and making a feature of the locally listed bridge.

Delivery lead: APC working in partnership with public and private transport provider, local businesses, landowners, HertsCC, HBC and other key stakeholders.

Around Radlett

Background

Around Radlett (AR) magazine is part of the Council's communication with its residents. This is in addition to the website, noticeboards and social media.

Each edition of the magazine incorporates news from APC, other local news/events and historical articles.

In the past, Around Radlett was produced 4 times per year, but in June 2019 it was decided that from 2020 only two editions are produced per year to coincide with the Summer Events and Winter Fair/Lights switch on.

Terms of Reference 2023/24

- 1) This working party would meet at least twice per year (at least once per edition) to agree the articles and front cover to be included in the magazine.
- 2) At each meeting ideas will be discussed regarding what to include in the next edition.

- 3) All articles will be passed to Admin Officer - Communication (JS), who will then forward them to J Lefton and Cllr S Khawaja for subbing the text (checking content and spelling).
- 4) The approved articles would then be forwarded by JS to the designers/printers for them to produce a first draft. The first draft will be circulated to the working party for proofreading, but the final approval will be by the chairman of this working party.
- 5) Each edition will have 16 pages plus occasional inserts to be agreed at each meeting. In exceptional circumstances, more pages will be added if required.
- 6) Dates for each edition will be agreed by this working party.
- 7) Advertiser charges to be discussed by the working party each year in September and then recommended to the Finance & General Purposes Committee.

Events Working Party

Background

There are two main well established events run by APC: Summertime Activities and Winter Fair (including Festive lights display).

As part of the 2021 review, consideration was given to the possibility of engaging with an external well-established provider on a flexible basis who has the expertise and providing resilience to our Council, thus saving us money and staff time.

Following the review APC has approached Inspire ALL who are now contracted to run the summertime activities in August and plus occasional one off big event

The purpose of this working party is to ensure that activities provided by APC is meeting the expectations of its residents within the budget constraints set by APC.

Terms of Reference

- 1) To review recent activities (including Festive Lights display)
- 2) To reflect on lessons learnt
- 3) To ensure improvement for next activity
- 4) To review the contract with the provider and officer's role
- 5) To plan activities for the next 12 months
- 6) To make recommendations to the F&GP Committee for budget allocation for the following financial year
- 7) To discuss other funding options such as grants etc
- 8) This working party would meet following APC activities and/or when required.
- 9) This working party is to bring their ideas and set policies , it's not to be involved in day to day running of the event .
- 10) To make sure that all events are in line with aims of "Access for All" working party

Allotments Working Party

Terms of Reference

There were various acts between 1908 & 1950 that dealt with allotments. In one it states 'In determining demand, an authority must take into consideration 'a representation in writing by any six registered parliamentary electors or rate payers' for land to be made available for allotments.

Section 22 of 'The Allotment Acts 1922' defines 'allotment gardens' as 'an allotment not exceeding forty poles in extent which is mainly cultivated by the occupier for the production of vegetables and fruit crops for consumption by himself or his family'.

- To recommend to Council the allotment fees applicable from the following April. (This will be determined by fees charged by local authorities, and use of water at the allotments)
- To review the waiting list (this will be number - not names due to GDPR, and how long they have been on the list)
- To recommend the allotment inspection regime.
- To suggest improvements that can be made to the common areas.