

Kelvedon Parish Council

The Old Fire Station, 102 High Street, Kelvedon, Essex CO5 9AA

25 January 2010

Dear Councillor

Members of the Council are summoned to attend the meeting of the Council at 7.45 pm on Tuesday 2 February 2010 in the Council Chamber, to transact the business shown in the agenda.

The press and public are welcome to be present.



Louise R Fuller
Clerk

A G E N D A

- 1 Apologies for Absence**
To receive any apologies for absence.
- 2 Confirmation of Minutes**
To confirm the minutes of the meeting held on 5 January 2010.
- 3 Declarations of Interest**
Councillors to declare any personal and/or prejudicial interest in any items on the agenda.
- 4 Public Questions**
To receive any questions from members of the public; a brief written outline to have been submitted to the Clerk before the meeting.
- 5 Matters for Report**
To report any further significant information on matters which have been previously discussed, in addition to those which may already be included on the agenda.
- 6 Reports from Committees**
To receive reports from committees.
 - 6.1 Planning**
Report of meeting held on 11 January 2010; minutes have been circulated.
 - 6.2 Recreation**
Next meeting is at 7.30 pm on Monday 15 February 2010.
Youth Forum: to receive any report from the Youth Forum.
 - 6.3 Finance**
Next meeting is at 6 p.m. on Tuesday 23 February 2010.
 - 6.4 Environment**
Next meeting is at 6.30 pm on Monday 15 February 2010.
- 7 Police Report**
To receive a report from PC John Hallworth.

- 8 To receive reports from representatives on outside organisations**
- 8.1 Tripartite Group
 - 8.2 Kelvedon Community Association
 - 8.3 Kelvedon in Bloom
 - 8.4 Brockwell Group
 - 8.5 RCCE
 - 8.6 Witham Local Area Committee
 - 8.7 Kelvedon Institute
 - 8.8 Any other outside bodies
- 9 Correspondence, and items from EALC**
For information: various items of correspondence, and the mailing from EALC, will be available for circulation.
- 10 Highways, Transport and Road Safety matters**
- 10.1 **To receive any reports on highways and road safety matters.**
 - 10.2 **Parking Restriction – Heron Road**
A local resident has asked the parish council if it will support him in his efforts to persuade Essex County Council to extend the double yellow lines at the junction of Swan Street and Heron Road. Since the new property has been built on the corner the sight lines are much reduced, making the corner dangerous for drivers in both directions. He would like the parking restriction to be extended down Heron Road, on both sides, alongside the wall of the new property as far as its garage.
- 11 Community Safety and Health**
- 11.1 Report from the Community Warden.
 - 11.2 Any other reports on community safety and health.
- 12 Procedural Matters**
A further report has been prepared following the discussion at the last meeting and is attached.
- 13 Future events**
A list will be available at the meeting; councillors may be asked to agree attendances or other action.
- 14 Accounts for payment**
To agree the accounts for payment; a list will be available at the meeting.
- 15 Exclusion of Press and Public**
The Council is asked to exclude the press and public from the remainder of the meeting under the Public Bodies (Admission to Meetings) Act 1960 as the following item contains confidential information relating to the council's property and legal affairs.
- 16 The Chase leading to the Playing Field**
The clerk will update the Council on the current position.

Agenda item 12

Procedural Matters

Considerable discussion took place on these matters at the Council meeting on 5 January 2010. The Council noted that they had to be addressed as they had arisen from actual circumstances and were not hypothetical cases. The following is a suggested way forward.

12.1 Public Questions and Addresses at meetings

Meetings of the Council, committees and sub-committees shall be adjourned for Public Questions and Addresses for a maximum of fifteen minutes in total (at the discretion of the Chairman).

Public Questions and Addresses shall be on subjects over which the parish council has authority or some control.

Public Questions

- i) members of the public shall be allowed to ask questions at meetings of the Council, committees and sub-committees.
- ii) each member of the public shall be allowed a maximum of three minutes (at the discretion of the Chairman) to ask his/her question(s).
- iii) members of the public must give written notice to the Clerk, at least 24 hours in advance of the meeting, of the questions to be asked.
- iii) the questions shall be put and answered without discussion, and there shall be no further discussion of the questions.
- iv) the Council may decline to answer the questions, or may decline to answer in public.

Public Addresses

- i) members of the public shall be allowed to make representations, give evidence or answer questions at meetings of the Council, committees and sub-committees.
- ii) the address must be in relation to the business to be transacted at that meeting.
- ii) each member of the public shall be allowed a maximum of three minutes (at the discretion of the Chairman) to make his/her address.
- iii) members of the public must give written notice to the Clerk, at least 24 hours in advance of the meeting, of their intention to make an address.
- iv) there shall be no further discussion of the address.

12.2 Council Structure and Committees'/sub-committees' Terms of Reference Co-opted members on committees and sub-committees

The Council asked to clarify its current structure and lay down Terms of Reference for committees and sub-committees.

The current structure of the Council:

Full Council: all members

Standing Committees	Number of members
Planning	Four councillors
Recreation	Three + one co-opted
Environment	Four + one co-opted
Finance	Four councillors

Sub-Committees

Footpath	Three + approx. five co-opted
Emergency Planning	Four + one co-opted
Personnel	Four (the Finance Committee)
PAMW	Three (chairmen of Recreation, Environment and Finance Committees)

The Chairman and Vice Chairman of the Council are ex-officio members of all committees (and sub-committees, unless they have indicated a wish not to serve) and are not included in the figures above.

The Footpath and Emergency Planning Sub-Committees are sub-committees of the Environment Committee. The Personnel and PAMW Sub-Committees are sub-committees of the Finance Committee.

Working Group (reports to Environment Committee)

Christmas Lights	Two (or as many as wish to be involved)
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The Youth Forum is akin to a sub-committee, although its members are not councillors. It reports to the Recreation Committee.

Draft Terms of Reference for Committees and Sub-Committees

- 1) All committees have delegated power to act on behalf of the Council on any matters falling within their terms of reference, including those which are not specifically identified, except for matters reserved to the Council.
- 2) Matters reserved to the Council are
 - (i) issuing a precept
 - (ii) borrowing money
 - (iii) those functions reserved to the Council by statute
 - (iv) matters of major importance and concern.
- 3) Every committee shall be responsible for the execution of the decisions of the committee, on which the committee has delegated power from the Council to act, as soon as possible after the decision has been made.
- 4) Recommendations on actions which will have significant implications for the Council will be referred to the Council for decision, and the decision of the Council will be executed as soon as possible after it has been made.

General matters delegated to all committees

- 5) Approval of duties carried out by members, for the purposes of paying

allowances.

- 6) Responses to consultations on subjects within their terms of reference.

Planning Committee

The overall purpose of this committee is to ensure informed local knowledge is brought to bear on planning applications and to convey those views in a timely way to the appropriate authority; and to contribute to the formation of planning policies.

- 1 To consider all applications received for planning consent within the parish, other than those emanating from the Parish Council itself, and to submit comments to the District Council within appropriate time limits; also to consider any applications for planning consent in adjacent areas where such application would affect the well-being of the parish and its residents.
- 2 To note all appeals against planning refusal, non-determination or the imposition of conditions by the District Council within the parish and if considered necessary, to submit comments to the appropriate government department.
- 3 To consider any proposals relating to the regional, County or District plans and to submit comments to the appropriate body.
- 4 To consider proposals for street naming and numbering.

Recreation Committee

The overall purpose of this committee is to discharge effectively and economically the Council's duties in the sphere of recreational and leisure activities.

- 1 To ensure the proper management of the recreation and amenity facilities provided by the Council insofar as there is no agreement in being for their management by another body i.e. Playing Field (and the Chase), children's play areas.
- 2 To be responsible for matters relating to public halls, youth services, arts, recreational, social and cultural activities within the parish and to provide such activities where appropriate e.g. Youth Bus, Play Bus, Children's Activity Days.
- 3 To consider applications for grants from organisations for activities within the committee's remit, and to approve any such grants.
- 4 To consider and submit to the Finance Committee estimates of income and expenditure on continuing services and on capital account for the following year.
- 5 To be responsible for expenditure within the limits previously approved by the Council.

Environment Committee

The overall purpose of this committee is to discharge effectively and economically the Council's duties in relation to the environment of Kelvedon.

- 1 To consider matters relating to the local environment in general, and to take any action as appropriate
- 2 To consider matters relating to highways, including Public Rights of Way, road

safety, parking, etc.

- 3 To be responsible for the provision and maintenance of public seats, bus shelters and litter bins, street lighting and other street furniture as may be decided; and for litter picking, sweeping etc at a level decided by the Parish Council or in conjunction with Braintree District Council under the Street Scene Scheme or similar.
- 4 To be responsible for car parks owned by the Parish Council.
- 5 To be responsible for Brockwell Meadows Local Nature Reserve, and to liaise with the Brockwell Meadows Group.
- 6 To be responsible for the village Christmas lights insofar as they are provided by the Parish Council.
- 7 To maintain the open spaces owned/leased/managed by the Parish Council.
- 8 To be responsible for the allotment site provided by the Council.
- 9 To be responsible for the public conveniences.
- 10 To be responsible for the Parish Council's flower trough scheme, and to liaise with other organisations e.g. Kelvedon in Bloom regarding this and other environmental schemes.
- 11 To draw up, review and maintain a local emergency plan.
- 12 To consider applications for grants from organisations for activities within the committee's remit, and to approve any such grants.
- 13 To consider and submit to the Finance Committee estimates of income and expenditure on continuing services and on capital account for the following year.
- 14 To be responsible for expenditure within the limits previously approved by the Council.

Finance Committee

The overall purpose of this committee is to ensure that the council's finances, staffing, and its statutory obligations are conducted in accordance with good practice, and to administer services which are not the responsibility of the other standing committees.

- 1 To conduct effectively the Council's budgetary, financial and precepting responsibilities in accordance with statutory requirements, and to keep the smooth functioning of the Council's work under review; to be responsible for the Parish Council's general administrative arrangements.
- 2 To consider the resources available to meet the Council's objectives in terms of land, finance and manpower and to advise other committees and the Council as required.
- 3 To consider the financial implications of the Council's plans and to recommend to the Council levels of expenditure in connection therewith.
- 4 To regulate and control the finance of the Council.

- 5 To consider estimates of this committee and of other committees of income and expenditure on continuing services and payments on capital account for the next and future financial years.
- 6 To submit to the Council estimates of income and expenditure of the Council on continuing services and of payments on capital account for the next financial year and make a recommendation as to the precept to be demanded from the District Council.
- 7 To consider and approve as appropriate requests from other committees to incur expenditure greater than already approved by the Council, and also to consider any such requirement in respect of its own expenditure.
- 8 To have charge of the financial and accounting arrangements of the Council.
- 9 To receive reports from the internal and external auditors.
- 10 To approve the annual accounts.
- 11 To consider and decide upon recommendations from service committees for variations in staffing.
- 12 To hold overall responsibility for employment matters.
- 13 To review Standing Orders, terms of reference of committees, terms of delegation to officers and Financial Regulations and recommend amendments to the Council.
- 14 To be responsible to the Council for and review the effectiveness and efficiency of all services which do not fall within the province of any one committee.
- 15 To consider any matters affecting members, including members' allowances.
- 16 To be responsible for the Old Fire Station (and the Chaseway leading to it).
- 17 To be responsible for publicity matters, including the council's web site and noticeboard.
- 18 To consider applications for grants (other than those specifically relevant to other committees) and to approve any such grants.
- 19 To be responsible for expenditure within the limits previously approved by the Council.

Sub-Committees

In general sub-committees shall have delegated powers to act on minor matters within their remit, but shall not have power to incur expenditure nor to take significant decisions. Each will report to its parent committee and make recommendations as necessary. The parent committee may on occasion grant a sub-committee power to act in specific circumstances.

Quorum and Voting

The current Council Standing Orders state that a quorum of a committee or sub-committee is one-half of its members but is silent as to whether this includes members of the committee who have been co-opted and are not members of the Council. As

some of the sub-committees can be somewhat fluid in membership of co-optees it could be hard to establish the figure for a quorum.

As stated previously, co-opted members are only permitted to vote if the (sub-)committee is purely advisory. If the terms of reference are adopted as above then none of the committees or sub-committees will be purely advisory so co-opted members may not vote.

Recommended:

- 1 The quorum of committees and sub-committees is defined as one-half of the voting members, subject to a minimum quorum of three.
- 2 It is confirmed that non-members of the council co-opted on to committees and sub-committees may not vote.