

## **MARTIN PARISH COUNCIL**

### **TERMS OF REFERENCE**

Parish Councils are local authorities first created by statute in 1894. They are the first tier of local government and as such are the ones closest to the electorate. The Council acts as a corporate body, raises money to be spent on services for the local community, and balances the needs of different groups within the Parish when deciding what action should be taken. The Council represents the whole community and is corporately responsible for the decisions it takes. The council employs a Clerk and other staff as may be necessary.

Martin Parish Council was formed in December 1894 and continues to serve and represent the whole community.

- The Parish Council is an elected tier of government. The Government gives it entitlement to access money from taxation. This is known as the Precept.
- The Council has a say in a variety of matters concerning the community:-
  - Planning applications
  - Traffic issues
  - Litter, graffiti and fly posting
  - Seats
  - Rights of way - footpaths and bridleways
  - Playground and playing field facilities
  - Transport, e.g. bus service and car sharing
  - Village Green
  - Affordable housing
  - Information for the public

#### **Planning applications**

The planning authority is required to notify the Parish council of planning applications in the parish. The Parish council may submit comments to the planning authority within a 14 day notification period.

#### **Traffic issues**

The Parish Council has the right to contribute towards the cost of traffic calming measures provided by a highway authority if the council think it will benefit the area.

#### **Litter, graffiti and fly posting**

The Parish Council provides litter bins and may post notices with a view to promoting the abatement of litter, advising the public of the litter laws. The Parish council may prosecute fly tippers.

The Parish council has the power to issue fixed penalty notices for defacement caused by graffiti and fly posting.

#### **Seats**

The Parish Council provides and maintains seats for the public to use at various points in the area.

**Rights of way – footpaths and bridleways**

The Parish council appoints a Councillor who is responsible for the co-ordination of repair and maintenance of the public footpaths and bridleways in the area. The Councillor liaises with landowners and the county council to ensure that the work required is carried out.

The Parish Council has the power to erect direction posts on public paths with the consent of the county council.

The Parish Council have copies of maps showing the footpaths and bridleways in the area and as these are updated, new copies are sent from the county council.

**Playground and Playing field facilities**

Currently non active, the Parish Council Playground and Playing field sub committee would advise and monitor the use and maintenance of these areas. This committee has its own terms of reference.

The Parish council agrees a contract each year for the grass in the area to be cut regularly during the growing season.

**Transport**

The Parish council publicises information about passenger transport and car sharing in the area on the website and monitors the need for transport through the parish plan.

**Village Green and Bustard Pond**

The Parish council maintains and cares for these two area for the benefit of the parishioners. A contract is agreed each year for the grass to be regularly mowed in the growing season.

**Affordable Housing**

The Parish Council, although there are no statutory functions in regard to housing, are liaising with the district council and a local housing association for the provision of new homes for rent in the area.

**Information for the public**

The Parish Council assist in making information freely available to the public on the functions of the Parish Council and signpost the public to other information about local authority, government departments, charities or voluntary organisations, news and activities going on in the locality etc. Information is available on the village website.

**Other information**

- Seven Councillors serve on the Council.
- Councillors are elected for a term of four years. If a casual vacancy arises the vacancy is publicly notified and if 10 parishioners do not claim an election within 14 days then the vacancy can be filled by co-option.
- A Chairman is elected to office and she/he will chair the meetings. A vice-chairman (if any elected) will preside in the absence of the Chairman. The vice-chairman will be appointed by the Chairman as and when the situation demands.
- A Clerk is employed to assist the Council in the administration of its business:-

Advise the Council on the law and procedure on any specific issue, seeking out such information as required.

Maintain financial records and administer finance for audit.

Prepare and circulate agendas for and minutes of meetings held.

The Clerk is not part of the decision making of the Council but is encouraged to give guidance and give a view on the implications of an action.

- For a meeting to be held, the Quorum is four Councillors in attendance.
- Meetings are held on a Monday evening every six weeks or on such other date and at a time as the Chairman shall after consultation with available Councillors direct. Meetings are open to press and public.
- Agendas are posted on the Parish notice board at least three days prior to a meeting being held. Subject to the discretion of the Parish Council, Members of the public may be given the opportunity to speak on agenda items coming up for discussion or to raise matters of local concern. This must be carried out prior to the meeting being declared open by the Chairman.
- Minutes of the meetings are kept as a legal requirement. Minutes are a concise and accurate record of attendance and apologies and the number of electors present, and of decisions and resolutions. Minutes are made available to Councillors and Parishioners after the meetings, copies of which are posted on the Parish notice board and on the Parish website. The minutes of the previous meeting will be signed off by the Chairman at the next meeting after approval (with or without amendments) by the Council.
- Financial administration is carried out by the appointed Clerk and is in keeping with the guidance laid down by the Audit Commission. The Clerk advises the Council on expenditure and informs them of relevant statute or authority if required. The Council is to ensure that public business is conducted within the law and proper standards, that public money is properly safeguarded, properly accounted for and used prudently and correctly. The Council has a duty to manage risk and regularly addresses the risks associated with what they do and the services they provide.
- End of year accounts are prepared and an internal Auditor is appointed to audit them. The electorate are informed by a notice placed on the Parish notice board that they have the right to inspect the accounts and supporting documents for a period of twenty days from the stated notice. The annual return is completed and submitted to Council for approval. When approved
- The Chairman will sign that they are a true record on behalf of the Council. The completed accounts then go to the Audit Commission for inspection and certification. A notice is posted for fourteen days to inform the electorate that the statement of accounts is available for inspection within that period.
- Sub-committees maybe formed for various aspects of the Parish Councils work. These sub-committees will have their own terms of reference. The sub-committees will make recommendations to the Council but shall have no delegated powers to make decisions on behalf of the Council. The Sub-committee shall cease to exist

immediately before the next Annual Meeting but may be reformed at that or any subsequent meeting. A previous sub committee for the Playground and playing field is currently non active.

### **Planning applications**

- The Clerk shall forward notifications of new planning applications to Councillors via email, ideally within 48 hours of receipt of notification from the District Council and shall also post details of planning applications on the Parish Council notice board.
- Planning applications shall normally be considered by the Council at the next scheduled meeting.
- Sometimes the date by which comments must be returned will be before the next scheduled meeting of the Council. In these cases, authority is delegated to the Clerk to either:
  - call an extraordinary meeting of the Council to consider the planning application; or
  - consult with Councillors by email or other means. In this case, if all members indicate that they are happy to choose option 5 (“we are happy to accept the decision reached by the District Council’s Officers under their delegated powers”) then no meeting needs to be held. If any Councillor wishes to choose any of the other four options, the Clerk must call an extraordinary meeting of the Council. In order to meet the timescales required by the District Council for comments from the Parish Council, Councillors should aim to indicate their preference within 3 days of receiving notification of the planning application.