



## TERMS OF REFERENCE FOR COMMITTEES AND SCHEME OF DELEGATION

### WRITTEN BY:

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### INTRODUCTION

1.1 Biddulph Town Council Terms of Reference and Scheme of Delegation is an essential document to enable the Council to function efficiently and effectively. Without this, every decision would have to be taken by the Full Council. Decision-making powers are given to both Committees and Officers to enable the Council to react to circumstances and operate effectively.

1.2 Powers cannot be legally delegated to individual Councillors or Working Groups. Working Groups are ordinarily established to investigate and or review a particular matter then report back to the relevant Committee, or Council, with its findings, which may include recommendations.

1.3 The Town Council has four Standing Committees:

- Finance Strategy and Management
- Town and Community
- Recreation and Amenities
- Planning

Each of the Council's Standing Committees has fourteen Councillors; additional members of the public may be invited to attend, dependent upon the items for discussion.

There must be **three** Councillors present for the meetings to be quorate. At the first meeting of the Council year (beginning in May) there will be the election of a Chair and Deputy.

Standing Orders should be viewed in relation to the role of the Chair and the conduct expected during meetings.

## SCHEME OF DELEGATION

### 2.1 The Council

The following matters are to be dealt with by the Full Council:

- Receive and approve recommendations from Committees
- Approval of Budget and setting the Precept
- Approval of the Annual Return and Audit of Accounts
- Authorisation of borrowing
- Adopting or changing all policies including Standing Orders, Financial Regulations and the Scheme of Delegation
- Making of Orders under any statutory powers
- Making, amending or revoking By-laws
- Appointment of Standing Committees
- Appointing Council representatives to outside bodies.
- All other matters which must, by law, be reserved to the Full Council.
- Approving and adopting the Council's Strategy
- The appointment of the Chief Officer
- Responses to legislative and other allied consultations, excluding those dealt with by the Planning Committee
- Decisions to adopt the General Power of Competence

### 2.2 Committees

The following matters are delegated to the Council's Committees to make decisions on behalf of the Council. Committees are delegated plenary decision-making powers in respect of matters delegated. They must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget. The Council may at any time, following resolution, revoke any delegated authority.

Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council. Similarly, where a Committee has no delegated power to make a decision it makes a recommendation to Council.

## All Committees

- Creation and Appointment to Working Groups.
- Appointment of non-Councillor members to Working Groups, where they bring additional expertise or knowledge, subject to confidentiality arrangements consistent with those required of Councillors.

### 2.3 Finance Strategy and Management Committee

All matters (except for creating Council Policy) relating to:

- Review of budget position
- Submission 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 Council's Precept
- Consideration of annual budget request of all standing Committees for recommendation to Council
- Approval and award of grants and donations
- Considering and agreeing action to all Internal Audit reports
- Approval of Risk management strategy
- Electoral matters
- Checking annual review of salaries is in order
- All personnel matters not delegated to officers
- Authorise (or not) all incremental pay rises following staff appraisals
- Amending staff structure to reflect the Council's performance needs, so long as within budget. Any changes requiring additional budget require Council approval
- Consider and resolve all staff grievances in accordance with the Disciplinary and Grievance Policy.
- Consider and resolve all staff appeals concerning grievance or disciplinary matters
- Consider and resolve all Freedom of Information Act appeals
- Consider and resolve appeals to decisions relating to a complaint
- Consider all appeals against decisions where this is available within a policy
- Matters properly referred from other Committees within the requirements of Standing Orders
- Review of all charges and fees made or proposed by all committees
- Being 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

- Consider all matters arising in relation to the boundaries of the town, the number of Town Councillors and elections of any kind within the town and make recommendations to the Council
- Being responsible for the Council's assets, records and archives.
- Being responsible for council's market rights and investment properties and other premises owned or leased to the council (save for council properties reserved to other committees according to their responsibilities)
- Being responsible for publicity matters, including any Annual Report, and the production of any town newsletters
- Being responsible for expenditure within the limits previously approved by the Council

#### **2.4 Town and Community Committee**

All matters (except for creating Council Policy) relating to:

- Public toilets (within the remit of the Town Council)
- Town Centre management
- Regeneration
- Events e.g. Artisan Market, Christmas Lights
- Partnerships with stakeholders
- Town Hall management
- Tourism
- Neighbourhood Plan implementation
- Young People
- Heritage restoration
- Ceremonial occasions e.g. Remembrance Sunday
- Projects e.g. Dementia Awareness, Festival.
- Considering all matters pertinent to the Mayoralty

#### **2.5 Planning Committee**

All matters (except for creating Council Policy) relating to:

- Planning applications- To comment on planning applications received from the local planning authority
- Tree works applications
- Local and regional plan
- Development and implementation of the Neighbourhood Plan

#### **2.6 Recreation and Amenities Committee**

All matters (except for creating Council Policy) relating to:

- Maintaining and supervising the Council's allotments
- Footpaths

- Operating and maintaining the cemeteries, burial responsibilities and associated duties
- Operational issues in relation to the management of the Biddulph Grange Country Park Visitor Centre
- Bemersley Waste Centre
- '999' service relationships
- Maintaining all recreation grounds, parks and public open spaces (e.g. Springfield Road, Butterfly Garden)
- Transport/ Highways considerations

## DELEGATION TO OFFICERS

2.7 The following matters are delegated to the Council's Officers to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

The Council may at any time, following resolution, revoke any delegated authority.

Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to a Committee or the Council. Similarly, where Officers have no delegated power to make a decision they report the matter to Committee or the Council for a decision.

The Chief Officer shall be the Proper Officer of the Council as defined in law. In addition:

- Issue all statutory notifications
- Receive Declarations of Acceptance of Office
- Receive and record notices disclosing pecuniary interests
- Receive and retain documents and plans
- Hold the Council's Seal and apply it to documents as approved
- Sign notices or other documents on behalf of the Council
- Receive copies of By-laws made by the principal authority
- Certify copies of By-laws made by the Council
- Sign summons to attend meetings
- Ensure compliance with Standing Orders
- Manage all Town Council staff, either directly or indirectly.
- Appoint all employees in accordance with the Council's staff structure.
- Take all decisions relating to the training of Councillors and staff
- Appoint casual / temporary members of staff as needed to meet the business needs of the Council and within existing budgets, subject to Member approval.
- Manage the provision of Council services, buildings, land and resources

- Incur expenditure in an emergency up to £5,000, whether budgeted or not
- Act on behalf of the Council in an urgent situation and report back to the Council as soon as practical
- Deal with dispensation requests from Members under the Code of Conduct
- Deal with matters specifically delegated by Council or Committee
- Authorise minor non-fiscal adjustments to contracts of employment and job descriptions to meet the needs of the Council
- Authorise additional hours of work for existing staff on a temporary basis to support the business needs of The Council
- Deal with all disciplinary matters and hearings in accordance with the Council's Grievance and Disciplinary Policy
- Responsibility for the overall management of all budgets in accordance with Council policies
- Issue press releases on any Council activity exercised in accordance with Council policy
- Overall responsibility for Health and Safety across all Council owned sites.

The Chief Officer shall be the Responsible Financial Officer of the Council as defined in law.

In addition:

- Ensure Compliance with Financial Regulations
- Ensure compliance with all financial procedures
- Determine accounting policies, records and control systems
- Manage risk management of the Council
- Oversee the Financial Management of the Council
- Report to the Finance Strategy and Management Committee on the Financial Performance of the Council
- Oversee the management of the budget process
- Prepare a budget for presentation to the Council in consultation with the Central Management team
- Complete the annual close down of the accounts system
- Proper administration of the Council's financial affairs
- Report to External Auditor matters under Local Government Finance Act 1988 s114
- Arrange and manage the Council's insurance arrangements
- Management of Council salaries in accordance with contracts of employment • Day to day management of all employees within section

- Matters specifically delegated by Council or Committee The Chief Officer will also oversee:
- Day-to-day management of land, buildings and other resources
- Project development for consideration by relevant Committee
- Management of maintenance contracts
- Developing income generating activities
- Day-to-day management of all of the Council's Human Resources functions
- Day-to-day management of Civic functions of the Council
- Day-to-day management of all employees
- Day-to-day management of general office administration
- Overseeing Council transparency, access to information and data use and storage, including day to day management of Council's website.

## WORKING GROUPS

2.8 Working groups may be formed by resolution of the Council or a committee at any time. The work of such a working group will be decided upon at the time it is formed by means of a minute detailing the terms of reference. It is recognised that the Town Council needs additional expertise, which can be provided by groups such as the Biddulph Ramblers. Each Working Group will report back with recommendations to the Council or the committee that formed it.

## URGENT MATTERS

2.9 In the event of any matter arising which requires an urgent decision the Chief Officer shall consult the Chairman and Vice Chairman of the Finance Strategy and Management Committee and with the concurrence of those member(s) shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.

Before exercising the delegated powers granted above, the Chief Officer and those members consulted shall consider whether the matter is of sufficient interest to justify the summoning of a special meeting of the appropriate committee and where a meeting is so summoned the committee concerned shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.

Before exercising this delegated power granted above, the committee concerned shall consider whether the matter is of sufficient import to justify recommending to the Mayor that a special meeting of the Council should be called in accordance with Standing Orders.

Any action taken under this Standing Order must be recorded in writing and made available for inspection by any member of the Council. Full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next available meetings of the Committee concerned and of the Council.

In the unlikely event that Town Council and Committees are unable to meet (such as in the immediate aftermath of a pandemic), the leaders of the main groups within the Council will be consulted, in addition to the Chair and Deputy Chair of the Finance Strategy and Management Committee, Mayor and Deputy Mayor regarding the management of urgent matters.

Councillors should reference the Town Council's Emergency Plan and Business Continuity Plan for further information on appropriate responses to deal with emergencies.

## LIMITATIONS

2.10 Committees and sub-committees shall, at all times, act in accordance with the Council's standing orders, financial regulations and this scheme of delegation and, where applicable, any other rules, regulations, schemes, statutes, bylaws or orders made and with any directions given by the Council from time to time.