



TOWCESTER TOWN COUNCIL

Terms of Reference for Council and its Committees

BACKGROUND INFORMATION

This document is one of the three documents which regulate the Parish Council's affairs. The other documents are its Standing Orders and Financial Regulations.

All Council decisions must be agreed at a properly constituted meeting of the Council unless the decision is delegated to the Clerk. No individual Parish Councillor can make decisions or issue instructions on behalf of the Council. The power to delegate functions is set out in the Local Government Act 1972 s101.

The Town Council delegates many of its decision-making powers to six standing committees. The committee system allows for more focused meetings and for councillors to focus on the areas in which they have the greatest interest or knowledge. Committees may also establish sub-committees or working groups.

The Council may also establish working groups to research and develop ideas or oversee projects. These groups are governed by a 'Terms of Reference' but informal – the meetings are not usually open to the public (and formal records of meetings are not usually kept) however they cannot make decisions on behalf of the council.

1. THE PROPER OFFICER AND RESPONSIBLE FINANCIAL OFFICER

Also known as the Clerk and/or RFO carries out the functions as provided by the Local Government Act 1972 and in accordance with the Accounts and Audit Regulations in force at any given time.

The Clerk advises the Council on and assists in the formation of policies in respect of the Council's activities and produce information required for making effective decisions and implement all decisions constructively. The Clerk and/or RFO is accountable to the Council for the effective management of all its resources and will report to Council via the Town Council meeting and/or its Committee meetings.

The clerk's contract of employment and job description details specific powers and responsibilities to enable the day to day administration of the Council. Major policy decisions are made by full council.

2. TOWN COUNCIL TERMS OF REFERENCE

The Town Council is the final authority on matters of policy and the powers of duties exercised by the Council. The Town Council will be solely responsible for the following specific functions: -

- (1) The power to issue a precept.
- (2) The power of raising loans.
- (3) The power of incurring capital expenditure not specifically included in the Council's approved estimates of expenditure for the financial year
- (4) The appointment or dismissal of the Town Clerk
- (5) Appointment of Chairman/Mayor and Vice Chairman/Deputy Mayor
- (6) Appointment of Committees
- (7) Appointment of Representatives on Outside Bodies
- (8) Approval of Council Budget and Precept
- (9) Approval of the Annual Return
- (10) Approval of council Insurance
- (11) Granting of monies in excess of £1000
- (12) Approval of Financial Regulations
- (13) Approval of Standing Orders as to the conduct of the Council's business
- (14) Approval of Council Policies



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- (15) Approval of acquisition and disposal of council property
- (16) Approval of acquisition of land or facilities
- (17) The Committee Structure, including terms of reference and membership.
- (18) Full Council may at any time dissolve or alter the membership of committees.
- (19) Agree the calendar of meetings for council and its committees.

COMMITTEES

Towcester Town Council operates and governs under a committee system with the following delegated powers.

General terms of reference:

1. Each Committee will elect a Chair and Vice Chair at its first committee meeting each Council year.
2. The Chairperson of each committee to have a second or casting vote.
3. Matters referred to Committees by Full Council shall stipulate whether the committee is empowered to act under delegated powers or required to make recommendations.
4. Decisions on functions and matters discharged to a committee shall not require ratification by Full Council but shall be reported as an information item in Committee Minutes.
5. To monitor income and expenditure
6. To consider and recommend the committee's annual budget for review by the Finance and Policy Committee for final approval by Full Council.
7. Councillors shall be members of the Committees of the Council in accordance with standing orders.
8. The Committees have full decision-making powers other than for decisions involving additional expenditure in excess of funds delegated to it which should be referred to the full Town Council.
9. Representation on and liaison with other bodies on which a committee has a common interest or statutory involvement: Representatives of the Town Council serving on such bodies should preferably be members of the committee concerned, if not, the members should report back to that committee.
10. To deal with matters and make recommendations affecting functions and services provided by other authorities, and bring to the attention of the authority concerned these matters and recommendations.
11. The Committee may also appoint Working Groups, set up for specific projects. The terms of reference of these Working Groups shall be decided by the committee. It should also be noted, Working Groups do not have decision making powers and recommendations for decisions must be made to either the appointing Committee or Full Council for approval. Generally speaking, it will be the role of each committee to undertake the delivery of the project for which it has been set up.

Committee Membership

The Committee shall comprise no fewer than three (3) and no more than thirteen (13) members, except for the Personnel Committee, which shall consist of up to five (5) elected members. All appointments shall be made annually at the Annual Meeting of Towcester Town Council."

No business may be transacted at a meeting unless at least one-third of the whole number of members of the committee are present and in no case shall the quorum of a meeting be less than three.

All correspondence should be conducted through the Town Clerk.

These terms of reference are to be reviewed on an annual basis.

3. RESOURCES AND PLANNING COMMITTEE TERMS OF REFERENCE



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The Resources and Planning Committee has delegated powers for:

Finance

1. All matters relating to finance:

- (i) Review and recommend to Council approval of Annual return
- (ii) Monitor and authorise all income and expenditure
- (iii) Monitor and authorise statement of balances
- (iv) Monitor and authorise virements
- (v) Monitor and manage effectiveness of Council's internal controls
- (vi) Review and action external and internal audit matters.
- (vii) Consider and approve grant applications up to the sum of £1000
- (viii) Consider and recommend to council grant applications exceeding £1000
- (ix) Monitor financial risk and take any necessary actions to minimise risk
- (x) Monitor and review asset register
- (xi) To consider the annual draft budgets of the all the committees and prepare the Council's annual budget and precept for presentation to Full Council for final approval.
- (xii) Review terms of reference for all committees and recommend to Council for approval.
- (xiii) Review Standing Orders and Financial Regulations, on an annual basis and recommend to Council for approval.
- (xiv) Review council policies, as and when required and recommend to Council for approval
- (xv) Monitor and review insurance and recommend to Council for approval
- (xvi) Scrutinise and approve Council payments

Planning

The Town Council is a statutory consultee on planning applications and is normally given 21 days to respond. In the event of receipt of a strategic planning application the Town Clerk will refer the application to Council for consideration and response.

The Resources and Planning and Committee has delegated powers to:

- (1) To consider, make representations to the Local Planning Authority on applications for planning permission which have been notified to the Council.
- (2) To make representations in respect of appeals against the refusal of planning permission.
- (3) To identify and make representations to the relevant authorities in respect of enforcement action or any matters considered to be breaches of planning regulations.
- (4) To monitor, review and where necessary make recommendations to the Council for amendments to the planning consultation procedure.
- (5) To deal with any other planning-related matter that a meeting of the full Council considers appropriate to be referred to the Planning Committee.
- (6) Consider and make representations in relation to Rights of Way on both footpaths and bridleways including obstructions and applications for diversions; closure or creation of rights of way and to have executive powers regarding action necessary for dealing with obstructions of right of way.

Note: In the event of the Resources and Planning Committee being inquorate or the deadline for responses being prior to the next meeting of this committee or Full Council the Town Clerk, in consultation with the Chair or Vice-Chair of the Resources and Planning Committee has delegated powers to respond / make representations in writing on the aforementioned points and that the Chair or in their absence the Vice Chair of Resources and Planning will be appointed to represent the Town Council on planning related matters.



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Planning Applications

Planning Committee members may canvas opinion for and against an application and consult with other relevant bodies to assist with fair determination of applications prior to the meeting.

Responses

Where an application is subject to an appeal, the Committee is authorised to make written representation or to elect a member of the Committee to attend the hearing.

Wherever possible, a member of the Planning Committee is to be nominated to attend Planning Authority's Planning meetings to represent the Committee's views in respect of controversial planning applications.

PERSONNEL COMMITTEE TERMS OF REFERENCE

The Personnel Committee meets on an ad hoc basis, when needed, and deals with all matters relating to staffing including recruitment, remuneration, welfare and other conditions of service of all employees.

The committee is made up of a minimum of 3 and a maximum of 5 councillors. Membership is determined annually at the Annual Meeting of Towcester Town Council. Councillors will be given the option to express an interest in being members of this committee. The list of those who have expressed an interest will be subject to approval by the Full Council. Meetings have a quorum of 3 councillors.

In order to undertake its functions, the Personnel Committee is authorised to expend up to £10,000 per recruitment campaign or HR issue. All expenditure requirements which exceed this figure must be approved in advance by Full Council.

The committee can delegate authority for some of its responsibilities to members of staff, but as a minimum, it will deal with:

1. Annual appraisal of the Town Clerk.
2. Annual appraisals of other members of staff, or review of their annual appraisals, if they have been performed by the Clerk.
3. Make recommendations to the Full Council for pay awards for all members of staff.
4. Recruitment processes for senior members of staff such as the Town Clerk.

PREMISES COMMITTEE TERMS OF REFERENCE

The Premises Committee promotes, supports and considers the provision of council property/infrastructure.

The Premises Committee has delegated powers:

- 1) To consider all matters relating to the following items and have executive powers once general policy and expenditure has been approved by the Council.
- 2) To consider acquisition, management and disposal of council property and recommend to Council for approval.
- 3) To create the list for the expenditure of the Community Infrastructure Levy income on projects and recommend to Council for approval.
- 4) To undertake any other functions as may be required by working with other agencies on matters that enhance the street scene, environment, and community wellbeing.
- 5) Research and make recommendations to Council for new infrastructure projects



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- 6) Oversee the project management of projects and priorities identified and approved by the Town Council.
- 7) Ensure expenditure is within budget agreed by Council.
- 8) Submit Planning Applications for projects as identified and approved by Council.
- 9) Submit Funding Applications for projects as identified and approved by Council.

CEMETERY AND ALLOTMENTS TERMS OF REFERENCE

Promote, support and consider the provision of:

- (1) Cemeteries (including closed churchyard)
- (2) War Memorial
- (3) Allotments

The Cemetery and Allotments Committee has delegated powers to:

- 1) To consider all matters relating to the following items and have executive powers once general policy and expenditure has been approved by the Council.
- 2) To review annually the burial fees charged by the Council and to make recommendations for revision when considered necessary
- 3) To make decisions on matters relating to the long term maintenance and improvement of the cemetery
- 4) To draft, implement, review, monitor and revise policies and procedures complying with the regulations of the cemetery

RECREATION AND LEISURE TERMS OF REFERENCE

The Recreation and Leisure Committee promotes, supports and considers the provision of:

- (1) Recreational Facilities
- (2) Refuse and litter collection; Grit Bins/Litter Bins
- (3) The Open Spaces and Common Areas under the Council's control
- (4) Seats, other than seats in bus shelters
- (5) Maintenance of footpaths
- (6) Public Shelters, Bus Shelters, and to have executive powers regarding urgent action necessary in the interest of public safety in these places
- (7) Town Clocks
- (8) Public Lavatories
- (9) Any Bye Laws to be introduced by the Town Council
- (10) Open spaces and common areas under the Council's control
- (11) Issuing of Licences to occupy public open space/council assets.
- (12) Hedgerows, trees and verges
- (13) Recreational Facilities
- (14) Street lighting under the Council's control
- (15) Street furniture (litter bins/seating/amenity signage) under the Council's control
- (16) Street art and structures
- (17) Bus shelters under the Council's control

- (18) Environmental sustainability

The Recreation and Leisure Committee has delegated powers to:



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- 1) To consider all matters relating to the following items and have executive powers once general policy and expenditure has been approved by the Council.
- 2) To promote, support and consider provision of community focused services, town enhancements, events and activities.
- 3) To promote community cohesion through forging links with schools, local groups/organisations and local businesses.