



Brackley Town Council

Terms of Reference of Committees & Scheme of Delegation

1. Reservation of Powers of the Town Council

The following subject matters are reserved to the Council and decisions of Committees in relation thereto shall be submitted to the Council as recommendations:

- 1.1 The determination of the Council's Precept.
- 1.2 The purchase, sale or leasing of assets.
- 1.3 Any major variation of any policy decision previously taken by the Council and the declaration of any new policy provided that the formulation of such policy or policy variations has been dealt with by the appropriate committee. The decision as to whether or not a matter is one of policy within this paragraph shall rest with the Town Clerk.
- 1.4 The dismissal of the Town Clerk.
- 1.5 The incurring of expenditure for which no provision or insufficient provision has been made.
- 1.6 Any addition to, deletion of or amendment to Standing Orders relating to the proceedings of the Council, to the Terms of Reference of Committees, and to the Standing Orders and Financial Regulations.

2. Conditions and Provisions Relating to Delegation.

- 2.1 All delegated powers and duties shall be exercised and performed on behalf of and in the name of the Council.
- 2.2 All Committee minutes shall be received at each meeting of the Full Council.
- 2.3 The Council alone shall have authority to approve any increases in salary or rates of pay beyond the recommendations of the various advisory bodies.
- 2.4 Delegation of powers shall be subject as follows:
 - 2.4.1 To the limitation imposed by the Standing Orders and Financial Regulations relating to estimates, expenditure and contracts and land and property respectively.
 - 2.4.2 To such general directions, limitations and modifications as the Council may from time to time decide.
 - 2.4.3 To the reference of a matter to the Council for determination, where the proposal constitutes a major variation of existing policy or has legal, financial or personnel implications which should more properly be dealt with by the Council.
 - 2.4.4 No Working Party shall have delegated powers or specific budgets.
- 2.5 Where the Town Clerk chooses not to exercise his/her delegated powers the appropriate Committee to whom such decision would have been reported for information shall have the power to make a decision on his/her behalf.
- 2.6 References to Chairman shall include the Vice-Chairman if the Chairman is not available to act.

2.7 Each Committee shall have the power to determine all matters within their terms of reference subject to any reservation of powers to the Council as specified in 1 or 2.4 above.

2.8 Where a Committee considers appointing a Councillor or his/her firm or partnership to do work for the Council then this final decision shall rest with the Full Council.

3. Matters to be Dealt with by the Full Council

The following matters shall be dealt with by the Council without being first considered by a Committee.

3.1 To authorise the sealing of documents where no standing authorisation exists.

3.2 To appoint the Town Clerk.

3.3 To consider and determine appeals by staff against a decision of the Council in relation to applications for salary regrading.

3.4 To consider and determine appeals by employees of the Council against disciplinary action taken by the Town Clerk.

3.5 To resolve grievances by employees.

3.6 To receive the reports of the Internal and External Auditors and to refer them to the Finance and Policy Committee for an appropriate action plan as required.

Each standing committee, at its first meeting of the civic year, shall elect from its members a Chair and Vice Chair for the ensuing year.

4. FINANCE AND POLICY COMMITTEE

4.1 Membership shall be 10 Members of the Council. If not members of the committee in their own right, the Town Mayor and Deputy Town Mayor will be ex-officio members of the committee for the duration of their term of office.

4.2 Meetings should have 4 Members, not including ex-officio members, to be quorate.

4.3 Terms of Reference

4.3.1 To maintain the terms and conditions of the Local Council Award of Quality Council

4.3.2 To consider the broad social and economic needs of the Town and matters of comprehensive importance to the area with particular reference to the General Power of Competence (Localism Act 2011 ss1-8)

4.3.3 To advise the Council as to its financial and economic policies.

4.3.4 To submit to the Council concurrent reports with the other Committees upon new policies or changes in policy formulated by such Committees, particularly those which may have significant impact upon the Council's plan or the resources of the Council.

4.3.5 To be responsible for allocating and controlling the manpower, property, finances and other resources of the Council.

4.3.6 To review the overall effectiveness of the Council's work and the standards and level of service provided. To identify the need for new services and to keep under review the necessity for existing ones

4.3.7 To consider all other matters which are not delegated or referred to another Committee or Sub-Committee and such other matters which the Council may determine from time to time.

4.3.8 To provide and maintain any administrative buildings which are not the specific responsibility of a Standing Committee.

4.3.9 To prepare an action plan in response to the reports of the Internal and External Auditors.

4.3.10 To authorize attendance at conferences and other powers contained in Section 175 of the Local Government act 1972

4.3.11 To review all Standing Orders of the Council and Terms of Reference of Committees and make appropriate recommendations to the Council, save as provided for in item 1.6 in the general reservation of powers to the Council.

4.3.12 To be responsible for the following matters:

- Administrative services of the Town Council
- Emergency Planning in conjunction with NCC and SNC.
- Consultation on Local government boundary changes.
- The co-ordination of the resources of the Council
- Public relations and press liaison.
- Functions relating to elections and electoral registration
- Exercise all the functions of the Council in an emergency.
- Carol Singing on the Piazza
- Civic Ball
- Civic Service
- Mayor Making

- Town Guide/Town Talk/website/facebook/Twitter
- Police Liaison

4.3.13 To be responsible for the Health and Safety requirements incumbent upon the Council

4.3.14 To be responsible for the Council's support of community projects and to monitor their progress.

4.3.15 To be responsible for the establishment of a Youth Council and the drafting and implementation of a Youth Policy for the Council.

4.4 Land and Property Holdings

4.4.1 To receive recommendations from Direct Responsibilities Committee, where there are financial implications for the Council and, if approved, recommend them to Full Council.

4.5 Matters Delegated to the Town Clerk

4.5.1 In consultation with the Town Mayor or the Chairman of the appropriate Committee and/or Chairman of Finance & Policy Committee.

- To authorize necessary action where urgent decision are required in connection with legal proceedings.
- To exercise all the powers of the Council in an emergency and report to the next meeting of the Committee.
- To accept tenders within the financial estimates for the project and in accordance with the procedures laid down in Standing Orders.
- To acquire and dispose of plant and machinery on the most reasonable terms possible in accordance with agreed programme.
- To discuss with and explain to staff details of proposals which may affect them.
- To grant up to five days special leave with pay.
- To grant leave of absence without pay in appropriate circumstances.
- To authorize the payment of overtime within budgeted limits.
- To take disciplinary action where appropriate in accordance with procedures.
- To implement staff changes.
- To ensure compliance with employment legislation.
- To impose limits subject to Council's Standing Orders, Statutory provision and approved budgets, to negotiate terms and conditions of employment with employees.
- To authorise attendance of staff on, and to arrange, appropriate seminars and courses within the Council's policies.
- To advise on disciplinary procedures
- To issue written disciplinary warnings.
- To represent the Council at Tribunals.
- To terminate employment in accordance with accepted procedures
- To write-off bad debts under £50.
- To promote effective liaison with appropriate statutory authorities and other agencies.

5. DIRECT RESPONSIBILITIES AND GENERAL PURPOSES COMMITTEE.

5.1 Membership shall be up to 10 Members of the Council. If not members of the committee in their own right, the Town Mayor and Deputy Town Mayor will be ex-officio members of the committee for the duration of their term of office.

5.2 Meetings should have 4 Members, not including ex-officio members, to be quorate.

5.3 Terms of Reference

5.3.1 To manage and control parks, recreation ground, public walks and public open spaces, including trees, in the ownership of Brackley Town Council.

To include:

Allens Gate to Bartlett Court
Balmoral Drive to Waynflete Close
Barrel Line
Bishops Close
Brasenose Drive/Newbery Drive
Brewin Close
Bridgewater Road opposite Ellesmere Crescent
Play Area at junction of Bridgewater Road/Ellesmere Road
Cartwright Crescent to Blencowe Drive
Champion Court/Saimon Close
Churchill Way
De Quincey Close
Egerton House Playing Field
Ellesmere Road/Radstone Road
Farmers Drive
Faugere Close
Fenton Rise
Golden Spring
Hadrians Gate
Hanover Drive
Hans Apel in three parts to also include play equipment
Humphries Drive by Haymans Road and Jones Close
John Clare Close (rear of)
Johnson Avenue to Pether Avenue (pathway)
Johnson Avenue (Corner of)
Kestrel Crescent
Laws Croft to Clarkes Way
Mill Lane
Nether Close
Northampton Road/Burwell Hill opposite Top Station
Northampton Road – Disused access to Top Station
Octavian Way
Riverside Walk from Buckingham Road to Dismantled Railway
Foot path and land to rear of St Peter's Road
Valley Road between 28 and 50
Land off Humphries Drive (opposite Prices Way)
Land off Rose Drive
Land behind Johnsons Avenue, Pether Avenue up to Falcon Way.
Land known as Linear Park – Falcon Way, Chaffinch Way, Swift Way (inc. play equip)
Land adjoining open fields and Falcon Way to Goldcrest Road
Soudan Avenue
Swallow Close

Thomas Crewe Close
Tilly's Piece
Tudor Way
Land adjacent to Oak Road
Land from Oak Road to Beech Drive (alongside footpath)
Valley Road
Valley Crescent
Wordsworth Close
Pocket Park between Skew Bridge and Hinton Road
Pocket Park from Herriefts Farm Road to Riverside Walk

Management and control of the Cemetery, Halse Road
Management and control of United Reformed Chapel Burial Ground, Banbury Road.

5.3.2 To manage and control leased land, to include (also) maintenance of trees, as follows:

OP2 off A43 – South Northamptonshire Council
St James Lake – Anglian Water
Brackley Park – National Trust

5.3.3 To control allotments as follows:

Egerton House Playing Field
Halse Road
Roman Way Estate

5.3.4 To manage and control of the following:

Market and Fair
Street Lighting – Footway Lighting (Highway Lighting rests with Highways).
Trees on land owned or managed by the Town Council
Street Furniture –litter bins, dog bins, seats and benches owned by BTC,
Bus Shelters.
Grass cutting of all Town Council owned and managed open spaces
Grass cutting verges on behalf of Northamptonshire County Council.

5.3.5 Property Holdings - To manage the property of the Town Council i.e. Unit 1, The Sidings, the Town Hall and the Old Fire Station.

5.3.6 Subject to appropriate financial allocation, to purchase, sell and lease land, to negotiate terms for the acquisition of land, to enter into contracts and joint venture schemes for its purchase or sale and to authorize the execution of all necessary conveyances and leases. The Committee shall recommend to the Finance and Policy Committee the method of disposal and the manner in which terms are to be negotiated. The final sanction for any such decision/recommendation shall remain with the Town Council.

5.3.7 To authorize payments, relevant to the responsibilities of this committee, which are required to be made under the terms of any contracts.

5.3.8 To enter into tenancy agreements and to license grazing and mowing rights in respect of land holdings etc.

5.4 To recommend to the Finance and Policy Committee, within the agreed policies and approved estimates of the Council, authorization for the appropriation, acquisition and disposal, whether by purchase, sale, lease, licence or grant, of land and interests in the

rights concerning land under the ownership and management of the Council. The final sanction for any such decision/recommendation shall remain with the Town Council.

5.5 Matters Delegated to the Town Clerk

5.5.1 To determine applications for car boot sales on Town Council owned or managed land.

5.5.2 To determine applications for the hire of the Town Hall.

5.5.3 To authorize minor repair work on Play Equipment within Financial Regulations.

6. PLANNING AND GENERAL WORKS COMMITTEE

6.1 Membership shall be up to 10 Members of the Council. If not members of the committee in their own right, the Town Mayor and Deputy Town Mayor will be ex-officio members of the committee for the duration of their term of office.

6.2 Meetings should have 4 Members, not including ex-officio members, to be quorate.

6.3 Terms of Reference.

6.3.1 To make observations/comments on all planning applications.

6.3.2 To make observations/comments on planning policies and detailed local plans appropriate to the Town.

6.3.3 To make observations/comments on planning appeals and matters relating thereto.

6.3.4 To make observations/comments on tree preservation orders and listed building consents.

6.3.5 To deal with all matters relating to the creation, diversion and closure of public footpaths.

6.3.6 To deal with litter and the Clean Neighbourhood and Environment Act 2005 in consultation with South Northants Council.

6.3.7 To comment on Traffic Orders.

6.3.8 To make recommendations to the District Council with respect to Street Naming.

6.3.9 To make recommendations to the County Council on Traffic Management matters.

6.3.10 To process complaints regarding traffic signs, road and footway surfaces and poor reinstatement etc. with the appropriate authorities.

6.3.11 To make observations/comments on all matters in relation to public transport.

6.3.12 To advise the Council on all aspects of the S106 Developer Contributions and Heads of Terms and any other legal agreements drawn up between the Developers, Brackley Town Council and South Northamptonshire Council (SNC).

- the financial implications of the agreements.
- the total commuted sums.
- community buildings included/ proposed
- formal parks and woodland or county parks to be transferred/adopted

6.4 Matters to be delegated to the Town Clerk

Comments to the Planning Authority are required within 21 days of the Town Council receiving the planning applications and it may therefore be necessary for the Town Clerk in conjunction with the Planning Committee Chairman to submit comments and report to the next meeting.

7. STAFFING COMMITTEE

7.1 Terms of Reference

- 7.1.1** Membership shall comprise the Town Mayor, the Deputy Mayor and the three Committee Chairmen.
- 7.1.2** Three Members shall constitute a quorum.
- 7.1.3** To deal with all matters relating to the establishment, recruitment and appointment and terms and conditions of employment for all staff, save as provided within the powers of the Full Council.
- 7.1.4** To make recommendations to the Council regarding policy for the remuneration, employment, welfare, superannuation, qualification and other conditions of service of all employees.
- 7.1.5** To determine and monitor appointment procedures
- 7.1.6** To establish and regularly review personnel policies and procedures including staff appraisal.
- 7.1.7** To annually review staffing levels and make recommendations to the Town Council.
- 7.1.8** The appointment and dismissal of members of staff other than the Town Clerk.
- 7.1.9** To receive annual reports on staff appraisals in October of each year.
- 7.1.10** To review and agree a matrix system showing which Members of the Town Council would be able to sit on staffing appeal panels should the need arise.
- 7.1.11** To convene an Appeals Committee if and when required.
- 7.1.12** To authorise the attendance of officers at conferences or courses including the incurring of necessary expenditure.
- 7.1.13** To ensure that all Members of the Council are aware of and understand their responsibilities in staffing matters.

8. Working Parties

A Working Party must follow the course for which it was convened and there is to be no transfer of delegated powers from the Committee from which it was formed otherwise the Council acts unlawfully. (LGA 1972 s.101).

- 8.1 The Working Party shall not issue instructions to any officer if, in the opinion of the officer, it is likely to incur expenses or use excessive time without prior authority of the Committee
- 8.2 Membership of the Working Party is to be decided at creation of the group when the need is identified for such an action.
- 8.3 Membership need not be confined to Members of the Council, nor to the parent committee, members may be drawn from volunteers or specialist areas.
- 8.4 Meetings must have 3 Members to be quorate.

8.5 Terms of Reference

- 8.5.1 to be convened to suit the purpose of the parent Committee for the specific task of undertaking a project or detailed study as defined by that Committee.
- 8.5.2 The Chairman of a Working Party will be appointed by the members of the Working Party at its first meeting
- 8.5.3 The Working Party shall be convened by the Town Clerk or the officer acting as secretary and minutes recorded of that meeting.
- 8.5.4 The minutes of the Working Party shall be received, as required, by Council or Committee at its next meeting following the meeting of the Working Party.
- 8.5.5 The Working Party shall advise and make recommendations to the Council or Committee from which it was formed.
- 8.5.6 The Working Party may meet without the need to give public notice.

9. Proper Officer Functions

Local Government Act 1972 Section	Functions of Proper Officer (Town Clerk)
83(1) – (4)	Proper Officer to whom persons elected to any of the following offices of the Council shall make declaration of acceptance of office: Mayor, Deputy Mayor, Councillor
84	Any Member wishing to resign must deliver by written notice his intention to the Mayor of the Town Council at the Town Hall address.
88(2)	Proper Officer who may convene a meeting of the Council for the election to fill a vacancy
89(1)(b)	Proper Officer who may receive notice in writing of a casual vacancy in the office of Councillor from ten local government electors
96(1)	Proper Officer to receive notices of pecuniary interest
101	The Town Council may arrange for the discharge of any of its functions by a committee, sub-committee or the Proper Officer
115	Proper Officer to whom all officers shall pay monies received by them and due to the local authority
151(2)	Proper Officer has responsibility for administration of Town Council financial affairs
225(1)	Proper Officer with whom documents may be deposited pursuant to law to make notes or endorsements and give acknowledgements or receipts.
229(4) and (5)	Proper Officer who shall certify that a document is a photographic copy of a document in the custody of the Council
234(1) & (2)	Proper Officer who may authenticate documents
234 Para 4(2)(b) of Part 1 of Schedule 12	Proper Officer who may sign a summons to council meetings
234 Para 4(2)(b) of Part 1 of Schedule 12	Proper Officer who may receive notice from a member of the address to which a summons to a meeting is to be sent

If urgent expenditure is necessary, then this can only be sanctioned through the emergency powers of the Town Clerk. *(Financial Regulation 4.5 The Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1000.00. The Clerk shall report the action to the Council as soon as practicable thereafter).*