

SANDBACH TOWN COUNCIL



TERMS OF REFERENCE – COUNCIL

Adopted by Council: 14th June 2023

Review Date: AGM May 2027

This supersedes any previous version (last approved 9.2.22)

21 Members of the Council

Quorum = 7

Meetings: Minimum of 5 Meetings held every year, with at least one every quarter. The Annual Statutory meeting (AGM) is held in May. The Annual Town meeting is held in March.

The Town Council has full authority exercised through an approved scheme of delegation for all functions, duties and responsibility, as set out in this document, but may delegate certain decisions to a committee, sub-committee or to an officer, any of which can be in consultation with a specified source. It cannot legally delegate decisions to a councillor under any circumstances.

Certain decisions are reserved to Council either by legislation or the choice of the Council.

	Function of the Council Column 1	Delegation of Function Column 2
	General Governance	
1.	Adoption and amendment of any strategies and policies.	None, but to receive advice from committees as appropriate. <ul style="list-style-type: none"> Personnel policies & Pensions Discretions Policy delegated to Personnel Committee
2.	Comments on Cheshire East Council's Strategic plans, community plans or strategies	None, but to receive advice from relevant committee.
3.	Comments of strategic plans and strategies of other public sector bodies, at national, regional or sub-regional level.	Reserved for Council unless within terms of reference of a specific committee. <ul style="list-style-type: none"> Planning, Consultation & Environment Committee as set out in its TOR.
4.	Endorsement of plans or strategic documents produced by the community or partner organisations, including principal council..	None, reserved for Council
5.	Liaising with the Police and other outside bodies on matters pertaining to the Town	<ul style="list-style-type: none"> To individual committees within their terms of reference.
6.	Approval or amendment of Neighbourhood Plan	None <ul style="list-style-type: none"> Production of Neighbourhood Plan delegated to a Community Partnership
7.	Adopting and changing the Constitution, Standing Orders, any Standing Orders for Contracts, Financial Regulations or Delivery Plan	None
8.	Approval of annual budget, Precept, and Medium-Term Financial Plan	None, but to receive advice from Finance, Policy & Governance Committee
9.	Any delegated decision which may mean a breach of Council Policy or Budget outside virement rules	None, but to receive advice from Finance Policy & Governance Committee re budget.
10.	Election of the Mayor, appointment of Deputy Mayor, and appointment of Chairmen of committees, sub-committees and Working groups established by Council.	None

11.	Agreeing and/or amending the Terms of Reference for committees, deciding on their delegation limits, composition and making appointments to them.	None
12.	Appointment of Members or Officers to outside bodies. Members reporting back from outside bodies	None • Relevant committee
13.	Adopting an allowance scheme for Mayor or other members.	None
14.	Changing the name of the Town Council.	None
15.	Deciding on honorary titles or awards such as outstanding service.	None
16.	Making, amending, revoking, re-enacting or adopting Bylaws.	None
17.	To represent the view of the local community on matters of significance.	None
18.	Power to make payments or provide other benefits in cases of fault or maladministration.	<ul style="list-style-type: none"> • Finance, Policy & Governance Committee. • Appeals Committee up to £500 • Town Clerk up to £200
19.	Appeals against any decision made on behalf of the Authority	<ul style="list-style-type: none"> • As set out in Personnel Policies, the Complaints Procedure and Appeals Committee terms of reference
20.	Decisions on issues relating to Data Protection, Access to Information, Freedom of Information & Human Rights.	<ul style="list-style-type: none"> • Town Clerk to renew Data Protection Registration and make amendments if necessary • Town Clerk to respond to requests from the public and matters raised by the Information Commissioner, taking advice from Data Protection Officer as necessary. • Council or Finance, Policy or Governance Committee-refusal of information for vexatious reasons
21.	To monitor and control the Council's Ethical Framework	<ul style="list-style-type: none"> • Town Clerk to obtain declarations, give up-date reminder annually and to act as necessary for Monitoring Officer. • Mayor may obtain declarations in the absence of the Town Clerk or Deputy. • Granting of a Dispensation is reserved to Council and only delegated to the Town Clerk where a decision is required in advance of a committee meeting when no Council meeting is to take place. • Management overview & monitoring to Committee
22.	To institute or defend legal proceedings including proceedings for an injunction, to authorise the carrying out of works in default of a notice, and to lodge an appeal against any Court decision.	None generally <ul style="list-style-type: none"> • In cases of urgency, the Town Clerk in consultation with two of: the Mayor, Deputy Mayor, or another committee chairman.
23.	All powers of the Council in the case of a civil emergency	<ul style="list-style-type: none"> • The Town Clerk in consultation with two of: the Mayor, Deputy Mayor, or another committee chairman.
24.	All powers of the Council in the case of urgency	<ul style="list-style-type: none"> • The Town Clerk in consultation with two of: the Mayor, Deputy Mayor, or another committee chairman, subject to reporting justification to next Council meeting.
25.	Election issues and filling of vacancies, including co-option of councillors	None
26.	Power to direct as to the custody of town documents	None
27.	All duties of the Proper Officer under legislation, Standing Orders, Financial Regulations or any Standing Orders for	<ul style="list-style-type: none"> • Town Clerk or in his/her absence the nominated deputy to have authority after seeking relevant advice

28. 29. 30. 31.	<p>Contracts including issue of notifications and signing documents</p> <p>All duties of the Responsible Financial Officer under legislation, Standing Orders, Financial Regulations or Standing Orders for Contracts including issue of notifications and signing documents.</p> <p>Attendance at conference</p> <p>To do anything calculated to facilitate or conducive or incidental to the discharge of any function.</p> <p>Adoption of General power of competence</p>	<p>if necessary, if the matter cannot wait for the Town Clerk's return.</p> <ul style="list-style-type: none"> Town Clerk (or nominated other officer) and Deputy Town Clerk to deputise. If another officer is nominated, the Town Council to deputise. <p>None</p> <ul style="list-style-type: none"> Town Clerk for Member training in accordance with policy. <p>Council unless specifically delegated to a committee.</p> <p>None</p>
32. 33. 34. 35. 36.	<p>Personnel Issues</p> <p>To direct which post holders will be designated Proper Officer and Responsible Financial Officer to the Council.</p> <p>To determine the overall staffing structure and approval of additional posts</p> <p>Confirming the appointment of the Town Clerk</p> <p>Other Personnel matters</p> <p>Health & Safety Policy- General Statement</p>	<p>None - but on recommendation of Personnel Committee.</p> <p>Committee for approval of changes to structure, including additional posts, under Grade 27 within approved overall staffing budget</p> <ul style="list-style-type: none"> Interviewing for, subject to confirmation by Council is delegated to a Personnel Committee (or Panel of) and the Mayor. As set out in Terms of Reference for Personnel Committee <p>None</p> <ul style="list-style-type: none"> Organisation and Arrangements to Personnel Committee
37. 38. 39.	<p>Quality & Integrated Management</p> <p>Matters relating to Quality and Integrated Management and the Local Council Awards Scheme.</p> <p>Administration of the Complaints Procedure</p> <p>Customer care and equality in services delivery and access</p>	<ul style="list-style-type: none"> Finance, Policy & Governance Committee oversee the processes. Resolutions regarding Local Council Awards reserved to Council. Town Clerk to manage As set out in Complaints Procedure and Terms of Reference for Appeals Committee None, but on advice of relevant committees
40. 41.	<p>Delegated Services</p> <p>To take on services from other local authorities or public bodies (LGA 1972, Sec 101, 111 & 112 or Localism Act 2011)</p> <p>To undertake services for another local authority or public body</p>	<p>None</p> <ul style="list-style-type: none"> Management overview to specific committees Town Clerk to manage operations <p>None</p>
42. 43. 44.	<p>Powers of all Committees</p> <p>To undertake all functions within their Terms of Reference. They may choose because of uncertainty as to whether a function is delegated, or because of sensitivity, controversy or seriousness of a matter, not to use the delegated power.</p> <p>To arrange extra meetings</p> <p>To make spending or income recommendations to Council during the budget process.</p>	<ul style="list-style-type: none"> Committee Committee Town Clerk (or nominated deputy) in consultation with Chairman or Vice Chairman Committee

45.	To monitor actions on minutes of the Committee or relevant Delivery Plan actions.	<ul style="list-style-type: none"> • Committee
46.	To manage services for which they are responsible within an approved budget & policy.	<ul style="list-style-type: none"> • Committee for management overview • Town Clerk for operational management
47.	To authorise spending/ issue works orders within budgets delegated to a committee	<ul style="list-style-type: none"> • Committee or Town Clerk in accordance with Financial Regulations, Standing Orders or any Standing Orders for Contracts.
48.	To contribute to the Annual Report and other publicity materials relating to the responsibilities of the committee	<ul style="list-style-type: none"> • Committee
49.	To appoint sub-committees including Chairman & Vice Chairman NB. See Sub-Committees also-79 Onwards	<ul style="list-style-type: none"> • Committee
Land		
50.	Power to acquire by agreement, to appropriate, to dispose of, Local Government Act 1972, S124, 126,127	None
51.	Power to accept gifts of land, Local Government Act 1972, S139	None
52.	Power to acquire land for open spaces, Public Health Act 1875, S164; Open Spaces Act 1906, S9 &10	None for acquisition Relevant committee for management & maintenance in accordance with respective terms of reference
Finance & Audit		
53.	Authorisation of Payment of accounts	<ul style="list-style-type: none"> • Council/ Finance, Policy & Governance Committee/ other Committees/Town Clerk/ RFO in accordance with Financial Regulations
54.	Approval of Annual Return & Statement of Accounts	None
55.	Power to approve capital projects on recommendation from standing committees within or without budget	Council only if not approved in principle. <ul style="list-style-type: none"> • Relevant committee if within policy and budget, and to implement
56.	Approval of Banking Arrangements & selecting insurers	None
57.	Approval of Orders for work, goods or services	<ul style="list-style-type: none"> • Council/ committees/ Town Clerk/ RFO in accordance with Financial Regulations
58.	Audit arrangements	<ul style="list-style-type: none"> • Town Clerk/ RFO to manage in accordance with Financial Regulations • Council to approve annual external audit report, internal audit reports and agree responses. • Finance, Policy & Governance Committee to consider and action interim internal audit report recommendations and to make known any internal audit matters which require consideration. • Council to approve body to appoint external auditor • Council to appoint Internal auditor
59.	Power to accept gifts, Local Government Act 1972, S139	None
60.	Power to participate in schemes of collective investment, Trustees Investments Act 1962, S11	None
61.	Power to borrow, Local Government Act 1972 S111 & Sch. 13	None
62.	Writing off bad debts	Council or Finance, Policy & Governance Committee in accordance with Standing Orders or Financial Regulations

63.	Proceedings or other steps to recover debt owing to the Council	<ul style="list-style-type: none"> • Town Clerk or RFO
Planning and Development Control		
64.	To make observations on major or controversial planning applications referred to it by another committee.	None.
65.	To make observations on Planning consultation documents from the Cheshire East Council and other bodies.	None for Local Plan, but to receive recommendations from other committees where appropriate. <ul style="list-style-type: none"> • Planning, Consultation & Environment Committee in other cases.
66.	All other Planning and Building Control matters.	<ul style="list-style-type: none"> • Planning, Consultation & Environment Committee
Housing		
67.	Policy.	None
68.	All other housing matters.	<ul style="list-style-type: none"> • Community & Environment Committee
Emergency Planning		
69.	To prepare an Emergency Plan for the Town which supports that of Cheshire East Council & the Cheshire Resilience Forum	Approval by Council <ul style="list-style-type: none"> • Council for management Overview • Operational management by Town Clerk [See also Emergency powers, 23. above.]
Young People		
70.	Support public & community services and facilities for the young and support young people in their communities.	<ul style="list-style-type: none"> • Community & Environment Committee for management overview. • Town Clerk for Operational management
71.	Co-ordinate the involvement of young people in decision making and governance	None
Community Engagement		
72.	To promote the social wellbeing of the Town	<ul style="list-style-type: none"> • Community & Events Committee for management overview. • Town Clerk for Operational management
73.	To facilitate and support local community and voluntary organisations.	<ul style="list-style-type: none"> • Community & Events Committee for management overview. • Town Clerk for Operational management • Finance, Policy & Governance Committee for grants
74.	To support CAB for the Town, Local Government Act 1972, s 142	<ul style="list-style-type: none"> • Community & Events Committee
75.	To promote social inclusion within communities.	<ul style="list-style-type: none"> • Community & Events Committee for management overview. • Town Clerk for Operational management
76.	To promote Fair Trade in the Town.	<ul style="list-style-type: none"> • Community & Events Committee for management overview. • Town Clerk for Operational management

Notes:

References to Town Clerk translate to Chief Officer and / or Chief Officer's office as determined by the Chief Officer;

Any action delegated to the Town Clerk may in his/her absence be undertaken by the Assistant Town Clerk after seeking relevant advice as necessary, if the matter cannot wait until the Town Clerk returns;

Definition of "Management Overview": To recommend policy and new initiatives to Council, decide on service expansions and contractions or options within budget and policy and to ensure service objectives and relevant policies are adhered to;

Definition of "Operational Management" That part of the service which is considered necessary in the delivery of an initiative or service which is within Policy and Budget.

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