

CORBY TOWN COUNCIL

TERMS OF REFERENCE FOR COMMITTEES AND SCHEME OF DELEGATION

May 2021

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 7 Members of the Council. If not members of the committee in their own right, the Chairman and Deputy Chairman will be ex-officio members of the committee for the duration of their term of office.
- 4.2** Meetings must have 3 Members, not including ex-officio members, to be quorate.
- 4.3** Terms of Reference
- 4.3.1** 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)
- 4.3.2** To advise the Council as to its financial and economic policies.
- 4.3.3** 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.
- 4.3.4** To be responsible for allocating and controlling the manpower, property, finances and other resources of the Council.
- 4.3.5** 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
- 4.3.6** 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.

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

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

4.3.9 To authorise attendance at conferences and other powers contained in Section 175 of the Local Government Act 1972

4.3.10 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.

4.3.11 To be responsible for the following matters:

- Administrative services of the Town Council
- Emergency Planning in conjunction with West Northamptonshire Council.
- 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.
- Publicity e.g., website/Facebook/Twitter
- Police Liaison

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

4.4 Land and Property Holdings

4.4.1 To receive recommendations from Community 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 authorise necessary action where urgent decisions 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 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 authorise attendance of staff on, and to arrange, appropriate seminars and courses within the Council's policies.
- To advise on disciplinary procedures
- 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. COMMUNITY COMMITTEE.

5.1 Membership shall be up to 7 Members of the Council. If not members of the committee in their own right, the Chairman and Deputy Chairman will be ex-officio members of the committee for the duration of their term of office.

5.2 Meetings must have 3 Members, not including ex-officio members, to be quorate.

5.3 Terms of Reference

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

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

5.3.3 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.

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

5.3.5 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 authorize minor repair work in relation to the allotments within Financial Regulations.

6. PLANNING AND GENERAL WORKS COMMITTEE

6.1 Membership shall be up to 7 Members of the Council. If not members of the committee

in their own right, the Chairman and Deputy Chairman will be ex-officio members of the committee for the duration of their term of office.

6.2 Meetings must have 3 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 West Northamptonshire Council.

6.3.7 To comment on Traffic Orders.

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

6.3.9 To make recommendations to the Unitary 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 S106 Developer Contributions Community Infrastructure Levy and any other legal agreements drawn up between the Developers, Corby Town Council and West Northamptonshire Council (WNC) in relation to:

- the financial implications of any agreements.
- the total commuted sums.
- community buildings included/ proposed
- open spaces/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 Chairman, the Deputy Chairman, Leader and Deputy Leader and the Chair of the Finance & Policy Committee.
- 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 make recommendations to the Finance & policy Committee regarding the attendance of officers at conferences or courses.
- 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