



TERMS OF REFERENCE - COUNCIL

Approved by Council: December 2020

17 Members of the Authority

Quorum = 5

Meetings: Meetings are held monthly except for August; the Annual Statutory meeting is held in May along with the Annual Town meeting.

The Town Council has full authority for all functions, duties and responsibility, but may delegate certain decisions to a committee, sub-committee or to an officer. It cannot legally delegate such decisions to an individual Councillor. Certain decisions are reserved to Council either by legislation or the choice of the Council.

Function of Council Column 1	Delegation of Functions Column 2
General Governance	
1. Adoption and amendment of any strategies and policies.	None generally - but to receive advice from Business Services Committee as appropriate. - Personnel policies delegated to Personnel Committee
2. Comments on Central Bedfordshire Council's Strategic Plans or strategies.	None
3. Comments on the strategic plans or strategies of other public sector bodies.	- To individual committees within their terms of reference
4. Endorsement of Neighbourhood Plan or strategic documents produced by the community or partner organisations.	None
5. Liaising with the Police and other outside bodies on matters pertaining to the Town.	- To individual committees as set out in their delegation, otherwise reserved for Council
6. Approval of a Neighbourhood Plan	- Production of Neighbourhood Plan, delegated to Planning
7. Adopting and changing the Business Plan, Standing Orders, Standing Orders for Contracts or Financial Regulations	- Financial Regulations review, delegated to Business Services
8. Approving of annual budget, Precept, and Medium-Term Financial Strategy	None
9. Any delegated decision which may mean a breach of Council Policy or Budget outside virement rules	None
10. Election of the Mayor, appointment of Deputy Mayor, and appointment of Chairmen of committees, established by Council.	None
11. Agreeing and/or amending the Terms of Reference for Committees, deciding on their composition and making appointments to them.	None

12. Appointment of Members or Officers to outside bodies.	- To individual Committees within their terms of reference
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	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.	- Appeals Committee up to the value of £500 - Town Clerk up to £200
19. Appeals against any decision made on behalf of the Authority.	- Appeals Committee
20. Decisions on issues relating to Data Protection, Access to Information. Freedom of Information & Human Rights.	- Town Clerk to renew Data Protection Registration and make amendments as necessary. To respond to routine requests for information
21. To monitor and control the Council's Ethical Framework.	- Proper Officer to give up date reminder annually necessary for
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 - In cases of urgency, the Town Clerk in consultation with two of: The Mayor, Deputy Mayor, or committee chairman
23. 1. All powers of the Council in the case of a civil emergency.	- The Town Clerk in consultation with two of: The Mayor, Deputy Mayor, or committee chairman
2. All powers of the Council in the case of urgency.	- The Town Clerk in consultation with two of: the Mayor, Deputy Mayor, or committee chairman, subject to reporting justification to the next Council meeting
3. From 22 December 2022 FTC have resolved a Temporary Scheme of Delegation to the Town Clerk: • Backed up by the meetings timetable, Full Council and committee meetings would go ahead virtually and instead of making decisions, would recommend decisions to the Town Clerk, Mayor, Deputy Mayor and Committee Chairman who would then enact those recommendations under the temporary Scheme of delegation (23 (3) . This scheme will remain in place until Councillors decided that a return to face-to-face meetings is safe, or that the delegation should cease for any other reason.	- The Town Clerk in consultation with two of: the Mayor, Deputy Mayor, or committee chairman, subject to reporting justification to the next Council meeting
The Council meeting 18 th January 2022 will be the only face to face meeting to approve the precept.	
Four items cannot be delegated to the Clerk – (i) the election of Chairman/Town Mayor; (ii) the election of Vice-Chair/Deputy Town Mayor, and (iii) the physical signing off of the AGAR (which has to be done by 30 June) (iv) Approving the precept. • A single physical meeting with a pre-agreed quorate in attendance indoors at (Rufus Centre) indoors will need to take place to address points (i), (ii), (iii) and (iv).	

24. Election issues and filling of vacancies.	None
25. Power to direct as to the Custody of Town documents.	None
26. All duties of the Proper Officer under legislation, Standing Orders, Financial Regulations or Standing Orders for Contracts including issue of notifications and signing documents.	- Town Clerk
27. 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.	- Town Clerk
28. Nomination for attendance at conference.	None
29. To do anything calculated to facilitate or conducive or incidental to the discharge of any function.	- Council unless specifically delegated
30. Adoption of General Power of Competence.	None
Personnel Issues	
31. To direct which post holders will be designated Proper Officer to the Council and Responsible Financial Officer.	None – but on recommendation of Personnel Committee
32. To determine the overall Staffing structure and approval of additional posts.	None
33. Confirming the appointment of the Town Clerk.	<ul style="list-style-type: none"> Interviewing for, subject to confirmation by Council is delegated to Personnel Committee.
34. Other Personnel matters.	<ul style="list-style-type: none"> As set out in Terms of Reference for Personnel Committee
35. Health & Safety Policy- General Statement & Organisation.	None <ul style="list-style-type: none"> Arrangements to Committees
Quality & Integrated Management	
36. Matters relating to Quality systems and Quality Town accreditation.	<ul style="list-style-type: none"> Business Services to make decisions on process.
37. Administration of the Complaints Procedure.	<ul style="list-style-type: none"> As set out in Complaints Procedure
38. Authorisation of Payment of accounts.	<ul style="list-style-type: none"> Council/Business Services Committee/Town Clerk in accordance with Financial Regulations
39. Approval of Annual Return & Statement of Accounts.	None
40. Approval of Banking Arrangements & choosing insurer.	None
41. Approval of Orders for work, goods or services.	<ul style="list-style-type: none"> Council/Business Services Committee/Town Clerk in accordance with Financial Regulations

42. Audit arrangements.	<ul style="list-style-type: none"> Town Clerk/ RFO to manage in accordance with Financial Regulations Council to consider and respond to annual external audit report & internal audit reports. None but Business Services Committee to advise Council to review internal audit procedures annually and appoint external auditor
43. Power to accept gifts, Local Government Act 1972, S139.	None
44. Power to participate in schemes of collective investment, Trustees Investments Act 1962, S11.	None
Powers of all Committees	
45. To undertake all functions delegated to them by Council. They may choose, because of uncertainty as to whether a function is delegated, or because of the sensitivity, controversy or seriousness of a matter, decide not to use the delegated power.	<ul style="list-style-type: none"> Committees
46. To make spending and income recommendations to Council during the Budget process.	<ul style="list-style-type: none"> Committees
47. To arrange extra meetings	<ul style="list-style-type: none"> Committee or Town Clerk in consultation with Chairman or Vice Chairman
48. To monitor actions on minutes of the Committee.	<ul style="list-style-type: none"> Committee
49. To manage services for which they are responsible within an approved budget & policy.	<ul style="list-style-type: none"> Committee
50. To authorise spending/ issue works orders within budgets delegated to a committee	<ul style="list-style-type: none"> Committee For capital projects, an application is made to Council to access the rolling Capital Fund
Land	
51. Power to acquire by agreement, to appropriate, to dispose of, Local Government Act 1972, S124, 126, 127.	None
52. Power to accept gifts of land, Local Government Act 1972, S139.	None
53. Power to acquire land for open spaces, Public Health Act 1875, S164; Open Spaces Act 1906, S9 &10.	- None for acquisition
Delegated Services	
54. To take on services from other local authorities or public bodies (LGA 1972, Sec 101, 111 & 112 or Localism Act 2011).	None
55. To undertake services for another local authority or public body.	None
Planning and Development Control	
56. To make observations on all Principal Council Planning Applications; listed building applications; Conservation area consents; Certificates of Existing or Proposed Lawful Use or Development; Display of Advertisement Regulations; and development involving telecommunications, including prior notification determinations.	<p>-Planning Committee</p> <ul style="list-style-type: none"> Town Clerk after consultation with Members, if there is not time for reference to Planning Committee, subject to reporting the matter to the next meeting.

57. Referring any Planning enforcement issue to the principal Council.	<ul style="list-style-type: none"> • Town Clerk
58. To make observations on all planning aspects and licensing aspects of waste applications or mineral applications.	<ul style="list-style-type: none"> - Planning Committee • Town Clerk after consultation with Members, if there is not time for reference to Planning Committee, subject to reporting the matter to the next meeting
59. To comment on Tree Preservation applications or the making of Orders.	<ul style="list-style-type: none"> - Planning Committee • Town Clerk after consultation with Members, if there is not time for reference to Planning Committee, subject to reporting the matter to the next meeting
60. To make observations on Planning consultation documents from the Principal Council or other bodies.	<ul style="list-style-type: none"> - Planning Committee
61. To make observations at the time of planning appeals and to authorise witnesses on behalf of the Council.	None generally – to accept advice of the Planning Committee
62. To make observations on Hazardous Substance applications.	Planning Committee
63. Making observations on applications for amendments to planning and other related consents previously granted by any authority or making observations on applications for the discharge of conditions in respect of planning permissions and other related consents issued by the Principal Council.	Planning Committee
64. Making observations on applications and other actions in relation to hedge rows.	Planning Committee with advice from Community Committee <ul style="list-style-type: none"> • Town Clerk after consultation with Members, if there is not time for reference to Council, subject to reporting the matter to the next meeting.
65. Making observations on applications and other matters under the Licensing legislation.	<ul style="list-style-type: none"> - Planning Committee • Town Clerk after consultation with Members, if there is not time for reference to Council, subject to reporting the matter to the next meeting.
66. Making observations on Street naming or numbering.	<ul style="list-style-type: none"> - Planning Committee
67. Making observations on highway or transportation consultations.	<ul style="list-style-type: none"> - Planning Committee
68. Consent for ending maintenance at public expense or stopping up or diversion of highway.	<ul style="list-style-type: none"> - Planning and Community Committees
69. Power to complain to Highway authority as to unlawful stopping up or obstruction of highway or unlawful encroachment on roadside land.	<ul style="list-style-type: none"> - Planning and Community Committees
70. Making observations on any matter relating to gaming or gambling.	<ul style="list-style-type: none"> - Planning Committee
71. To liaise with the Principal Council on any matter relating to building control.	<ul style="list-style-type: none"> - Planning Committee

72.	To monitor proposals from developers under Section 106 Agreements or Community Infrastructure Levy.	- Council and Committees
73.	To request a Central Bedfordshire councillor to “call in” applications to be determined by the Development Control Committee.	- Planning Committee
74.	To undertake the Council's role in the making, review or management of conservation areas.	- Community Committee
Housing		
75.	To lobby for sufficient affordable housing and an adequate range of housing types for the Town.	None – with advice from Planning Committee.
76.	To support home safety initiatives in the town.	None
Emergency Planning		
77.	To prepare an Emergency Plan for the Town which supports that of Central Bedfordshire and the Bedfordshire Local Resilience Forum.	<ul style="list-style-type: none"> • Approval by Council • Operational management to Town Clerk <p>See also Emergency powers under 23. Above</p>
Young People		
78.	Support public and community services and facilities for the young and support young people in their communities.	None – with advice from Community Committee
79.	Co-ordinate the involvement of young people in decision making and potentially a Youth Committee.	-Community Services Committee
Community Engagement		
80.	To promote the social wellbeing of the Town	None
81.	To facilitate and support local community and voluntary organisations.	None
82.	To support CAB for the Town, Local Government Act 1972, s 142.	None
83.	To promote social inclusion within communities.	None
84.	To promote Fair Trade in the Town.	None

