



Newmarket

TOWN COUNCIL

TERMS OF REFERENCE and DELEGATION: COUNCIL

Adopted by Council 26th June 2017

18 Members of Council

Quorum = 6

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 the Council Column 1	Delegation of Function Column 2
General Governance	
1 Adoption and amendment of the Council's Corporate Strategy.	None, but to receive advice from Finance & Policy Committee
2 Comments on the Forest Heath District and Suffolk County councils' Strategic Plans or strategies	None, but to receive advice from relevant committee.
3 Approval and amendment of Policies of the Council: ◆ Pensions Discretion Policy ◆ Personnel Policies ◆ All other policies	• Human Resources Committee. • Human Resources Committee None, reserved for Council
4 Endorsement of Town Centre Plans, Town Visions and other community documents	None
5 Approval of Neighbourhood Plan	None
6 Adopting and changing the Constitution, Standing Orders, Standing Orders for Contracts or Financial Regulations	None, but to receive advice from Finance & Policy Committee
7 Approval of annual budget, Precept, and Medium Term Financial Strategy	None, but to receive advice from Finance & Policy Committee
8 Any delegated decision which may mean a breach of Council Policy or Budget outside virement rules	None
9 Election of the Mayor, appointment of Deputy Mayor, and appointment of Chairmen of committees, sub-committees and Working parties established by Council.	None
10 Agreeing and/or amending the Terms of Reference for Committees, deciding on their composition and making appointments to them.	None
11 Appointment of Members or Officers to outside bodies	None
12 Adopting an allowance scheme for Mayor or other members.	None

13	Changing the name of the Town Council.	None
14	Deciding on honorary titles or awards	None
15	Making, amending, revoking, re-enacting or adopting Bylaws.	None
16	To represent the view of the local community on matters of significance.	None
17	Power to make payments or provide other benefits in cases of Fault or maladministration.	• Finance and Policy Committee up to £1000 • Appeals Committee up to £1000 • Proper Officer up to £200
18	Appeals against any decision made on behalf of the Authority	• As set out in Personnel Policies, the Complaints Procedure and Appeals Committee terms of reference
19	Decisions on issues relating to Data Protection, Access to Information, Freedom of Information & Human Rights.	• Strategic advice from Finance & Policy Committee • .Proper Officer to renew Data Protection Policy and make amendments if necessary and respond to requests from the public and matters raised by the Information Commissioner
20	To monitor and control the Council's Ethical Framework	• Proper Officer 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 Proper Officer. • Granting of a Dispensation is reserved to Council and only delegated to the Proper Officer where a decision is required in advance of a committee meeting when no Council meeting is to take place.
21.	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 Council Manager in consultation with two of: The Mayor, Deputy Mayor, Finance & Policy Chairman.
22.	1. All powers of the Council in the case of a civil emergency	• The Town Council Manager in consultation with two of: The Mayor, Deputy Mayor, Finance & Policy Chairman, Community Services Chairman.
	2. All powers of the Council in the case of urgency	• The Town Council Manager in consultation with two of: the Mayor, Deputy Mayor, Finance & Policy Chairman, Community Services Chairman subject to reporting justification to the next Council meeting. Financial limit is £20,000.
23	Election issues and filling of vacancies	None
24	Power to direct as to the custody of town documents	None
25	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 Council Manager, or in his/her absence the nominated deputy to have authority after seeking relevant advice if necessary, if the matter cannot wait for the Town Council Managers return.
26	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.	• Responsible Financial Officer or in his/her absence the Town Council Manager to deputise.

27 Attendance at conference	None Town Council Manager for Member training in accordance with policy.
Personnel Issues 28 To direct which post holders will be designated Proper Officer and Responsible Financial Officer to the Council. 29 To determine the overall Staffing structure and approval of additional posts 30 Confirming the appointment of the Town Council Manager 31 Other Personnel matters 32 Health & Safety Policy- General Statement	None- but on recommendation of Finance & Policy Committee None - Interviewing for, subject to confirmation by Council is delegated to a Human Resources Committee (or Panel of) and the Mayor. - As set out in Terms of Reference for Human Resources Committee None - Organisation and Arrangements to Human Resources Committee
Quality & Integrated Management 33 Matters relating to Quality and Integrated Management and the Local Council Awards Scheme. 34 Administration of the Complaints Procedure 35 Customer care and equality in services delivery and access	- Finance & Policy Committee oversee the process. - Resolutions regarding Local Council Awards reserved to Council. - Proper Officer to manage - As set out in Complaints Procedure and Terms of Reference for Appeals Committee - None, but on advice of Finance and Policy Committee
Delegated Services 36 To take on services from other local authorities or public bodies (LGA 1972, Sec 101, 111 & 112 or Localism Act 2011) 37. To undertake services for another local authority or public body	None None
Powers of all Committees 38 To arrange extra meetings 39 To monitor actions on minutes of the Committee. 40 To manage services for which they are responsible within an approved budget & policy. 41 To authorise spending/ issue works orders within budgets delegated to a committee 42 To assemble and submit estimates of income and expenditure for each financial year in respect of their services F&P Committee. 43 To contribute to the Annual Report and other publicity materials relating to the responsibilities of this committee 44. To appoint sub-committees including Chairman & Vice Chairman	- Town Council Manager (or nominated deputy) in consultation with Chairman or Vice Chairman - Committee - Committee - Committee - Committee to Finance & Policy Committee - Committee - Committee

Land	
45 Power to acquire by agreement, to appropriate, to dispose of, Local Government Act 1972, S124, 126,127	None
46 Power to accept gifts of land, Local Government Act 1972, S139	None
47 Power to acquire land for open spaces, Public Health Act 1875, S164; Open Spaces Act 1906, S9 &10	None for acquisition Leisure Services Committee and Community Services Committee for maintenance in accordance with respective terms of reference
Finance	
48 Authorisation of Payment of accounts	Council/ Finance Policy Committee/ RFO in accordance with Financial Regulations
49 Approval of Annual Return & Statement of Accounts	None
50 Approval of Banking Arrangements	None
51 Approval of Orders for work, goods or services	Council/ committees/ Proper Officer/ RFO in accordance with Financial Regulations
52 Audit arrangements	- Proper Officer/ RFO to manage in accordance with Financial Regulations - Council to approve annual external audit report, internal audit report and agree responses. - Finance & Resources Policy Committee to consider and action interim internal audit reports and agree internal audit brief - Council to approve body to appoint external auditor
53 Power to accept gifts, Local Government Act 1972, S139	None
54 Power to participate in schemes of collective investment, Trustees Investments Act 1962, S11	None
55 Power to borrow, Local Government Act 1972 S111 & Sch. 13	None
56. Writing off bad debts	None
57 Proceedings or other steps to recover debt owing to the Council	Town Council Manager

NB. Any actions delegated to the Town Council Manager/Proper Officer may in his/her absence be undertaken by the Responsible Financial Officer, after seeking advice if appropriate, if the matter cannot wait until the Town Council Manager's return