



## Full Council

### Terms of Reference

#### Function

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.

#### Meeting arrangements

Table 1 Full Council meeting arrangements

Schedule	11 times a year, 1 <sup>st</sup> Tuesday in the month at 7pm
Venue	Bollington Town Hall
Membership	12 Councillors
Quorum	4
Chair/Vice-Chair	To be elected at the AGM
Agendas	Developed by the Town Clerk
Minutes	Produced by Town Clerk and presented to next Full Council
Reporting	n/a
Terms of Reference	Reviewed annually at the AGM
Expenditure	In line with Standing Orders and Financial Regulations

## Delegated authority

### General Governance

Table 2 Full Council delegated authority for central governance

No	Function	Delegation of function
1	Adoption and amendment of any strategies and policies.	None, but to receive advice from committees as Appropriate
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
4	Endorsement of plans or strategic documents produced by the community or partner organisations, including principal council..	None
5	Approval or amendment of Neighbourhood Plan	Review of Neighbourhood Plan delegated to a Working Group
6	Adopting and changing the Constitution, Standing Orders, any Standing Orders for Contracts, Financial Regulations or Delivery Plan	None
7	Approval of annual budget, Precept, and Medium-Term Financial Plan	None, but to receive advice from Finance and Audit Committee
8	Any delegated decision which may mean a breach of Council Policy or Budget outside virement rules	None, but to receive advice from Finance and Audit Committee
9	Election of the Mayor and Deputy Mayor	None
10	Agreeing and/or amending the Terms of Reference for committees, deciding on their delegation limits, composition and making appointments to them.	None
11	Appointment of Members or Officers to outside bodies. Members reporting back from outside bodies	None but to receive advice from relevant committee
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 such as outstanding service	None

No	Function	Delegation of function
15	Making, amending, revoking, re-enacting or adopting Bylaws.	None
16	To represent the view of the local community on matters of significance	None but to receive advice from relevant committee
17	To make payments or provide other benefits in cases of fault or maladministration.	None
18	Appeals against any decision made on behalf of the Authority	As set out in the Complaints Policy
19	Decisions on issues relating to Data Protection, Access to Information, Freedom of Information & Human Rights.	<ul style="list-style-type: none"> <li>• Town Clerk to renew Data Protection Registration and make amendments if necessary</li> <li>• Town Clerk to respond to requests from the public and matters raised by the Information Commissioner, taking advice from Data Protection Officer as necessary</li> <li>• Council or Personnel, Policy and Governance Committee for refusal of information for vexatious reasons</li> </ul>
20	To monitor and control the Council's Ethical Framework	<ul style="list-style-type: none"> <li>• Town Clerk to obtain declarations, give up-date reminder annually and to act as necessary for Monitoring Officer</li> <li>• Mayor may obtain declarations in the absence of the Town Clerk or Deputy</li> <li>• 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</li> </ul>
21	To institute or defend legal proceedings including proceedings for an injunction, to authorise the carrying out of works in default	None generally but in cases of urgency, the Town Clerk in consultation with two of: the

No	Function	Delegation of function
	of a notice, and to lodge an appeal against any Court decision.	Mayor, Deputy Mayor, or another committee chair
22	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 another committee chair
23	All powers of the Council in the case of urgency	The Town Clerk in consultation with two of: the Mayor, Deputy Mayor, or another committee chair, subject to reporting justification to next Council meeting
24	Election issues and filling of vacancies, including co-option of councillors	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 any Standing Orders for Contracts including issue of notifications and signing documents	Town Clerk. If the matter cannot wait for the Town Clerk's return, another officer as deputised by the Mayor, Deputy Mayor, or another committee chair
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 (or nominated other officer as deputised by Full Council)
28	Attendance at conference	<ul style="list-style-type: none"> <li>• None</li> <li>• Town Clerk for Member training in accordance with policy.</li> </ul>
29	To do anything calculated to facilitate or conducive or incidental to the discharge of any function.	Council unless specifically delegated to a committee
30	Adoption of General power of competence	None

## Personnel issues

Table 3 Full Council delegated authority for personnel issues

No	Function	Delegation of function
1	To direct which post holders will be designated Proper Officer and Responsible Financial Officer to the Council.	None - but on recommendation of Personnel, Policy and Governance Committee
2	To determine the overall Staffing structure and approval of additional posts	None
3	Confirming the appointment of the Town Clerk	Interviewing for, subject to confirmation by Council is delegated to the Personnel, Policy and Governance Committee
4	Other Personnel matters	As set out in Terms of Reference for the Personnel, Policy and Governance Committee
5	Health & Safety Policy- General Statement	<ul style="list-style-type: none"> <li>• None.</li> <li>• Organisation and arrangements to Personnel, Policy and Governance Committee</li> </ul>

## Quality and Integrated Management

Table 4 Full Council delegated authority for quality and integrated management

No	Function	Delegation of function
1	Matters relating to Quality and Integrated Management and the Local Council Awards Scheme.	<ul style="list-style-type: none"> <li>• Personnel, Policy &amp; Governance Committee oversee the processes</li> <li>• Resolutions regarding Local Council Awards reserved to Council</li> <li>• Town Clerk to manage</li> </ul>
2	Administration of the Complaints Procedure	<ul style="list-style-type: none"> <li>• As set out in Complaints Policy</li> </ul>
3	Customer care and equality in services delivery and access	<ul style="list-style-type: none"> <li>• None, but on advice of relevant committees</li> </ul>

## Services

Table 5 Full Council delegated authority for services

No	Function	Delegation of function
1	To take on services from other local authorities or public bodies (LGA 1972, Sec 101, 111 & 112 or Localism Act 2011)	<ul style="list-style-type: none"> <li>• None</li> <li>• Management overview to specific committees</li> <li>• Town Clerk to manage operations</li> </ul>
2	To undertake services for another local authority or public body	None

## Powers of all Committees

Table 6 Full Council delegated authority for power of all committees

No	Function	Delegation of function
1	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.	Committee
2	To arrange extra meetings	<ul style="list-style-type: none"> <li>• Committee</li> <li>• Town Clerk in consultation with Chair</li> </ul>
3	To make spending or income recommendations to Council during the budget process.	Committee
4	To monitor actions on minutes of the Committee or relevant Delivery Plan actions.	Committee
5	To manage services for which they are responsible within an approved budget & policy.	<ul style="list-style-type: none"> <li>• Committee for management overview</li> <li>• Town Clerk for operational management</li> </ul>
6	To appoint sub-committees	None but on recommendation of committees

## Land

Table 7 Full Council delegated authority for land

No	Function	Delegation of function
1	Power to acquire by agreement, to appropriate, to dispose of, Local Government Act 1972, S124, 126,127	None
	Power to accept gifts of land, Local Government Act 1972, S139	None
2	Power to acquire land for open spaces, Public Health Act 1875, S164; Open Spaces Act 1906, S9 &10	None

## Finance and Audit

Table 8 Full Council delegated authority for finance and audit

No	Function	Delegation of function
1	Authorisation of Payment of accounts	Council/other Committees/Town Clerk/ RFO in accordance with Financial Regulations
2	Approval of Annual Return & Statement of Accounts	None
3	Power to approve capital projects on recommendation from standing committees within or without budget	Council only if not approved in principle. • Relevant committee if within policy and budget, and to implement
4	Approval of Banking Arrangements & selecting insurers	None
5	Approval of Orders for work, goods or services	Council/ committees/ Town Clerk/ RFO in accordance with Financial Regulations
6	Audit arrangements	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 reports and to make known any internal audit matters which require consideration. • Council to approve body to

No	Function	Delegation of function
		appoint external auditor • Council to appoint Internal auditor
7	Power to accept gifts, Local Government Act 1972, S139	None
8	Power to participate in schemes of collective investment, Trustees Investments Act 1962, S11	None
9	Power to borrow, Local Government Act 1972 S111 & Sch. 13	None
10	Writing off bad debts	Council or Finance and Audit Committee in accordance with Standing Orders or Financial Regulations
11	Proceedings or other steps to recover debt owing to the Council	Town Clerk or RFO

### Planning and Development Control

Table 9 Full Council delegated authority for planning and development

No	Function	Delegation of function
1	To make observations on major or controversial planning applications referred to it by another committee.	None
2	To make observations on Planning consultation documents from the Cheshire East Council and other bodies.	<ul style="list-style-type: none"> <li>• None for Local Plan, but to receive recommendations from Planning and Town Development Committee</li> <li>• Planning and Town Development Committee in other cases</li> </ul>
3	All other Planning and Building Control matters.	Planning and Town Development Committee

### Housing

Table 10 Full Council delegated authority for land

No	Function	Delegation of function
1	Policy	None
2	All other housing matters.	Community & Environment Committee



## Young People

Table 11 Full Council delegated authority for young people

No	Function	Delegation of function
1	Support public & community services and facilities for the young and support young people in their communities	<ul style="list-style-type: none"> <li>Community &amp; Environment Committee for management overview.</li> <li>Town Clerk for Operational management</li> </ul>
2	Co-ordinate the involvement of young people in decision making and governance	None

## Community engagement

Table 12 Full Council delegated authority for community engagement

No	Function	Delegation of function
1	To promote the social wellbeing of the Town	<ul style="list-style-type: none"> <li>Community &amp; Environment Committee for management overview</li> <li>Town Clerk for Operational management</li> </ul>
2	To facilitate and support local community and voluntary organisations.	<ul style="list-style-type: none"> <li>Community &amp; Environment Committee for management overview</li> <li>Town Clerk for Operational management</li> <li>Finance and Audit Committee for grants</li> </ul>
3	To promote social inclusion within communities	<ul style="list-style-type: none"> <li>Community &amp; Environment Committee for management overview</li> <li>Town Clerk for Operational management</li> </ul>

## Civic Functions

Table 13 Full Council delegated authority for civic functions

No	Function	Delegation of function
1	To administer and oversee the civic functions of the Town Council. in consultation with other committees where appropriate.	<ul style="list-style-type: none"> <li>Community &amp; Environment Committee for management overview</li> </ul>

No	Function	Delegation of function
		<ul style="list-style-type: none"> <li>• Town Clerk and Town Manager for Operational management</li> </ul>
2	To administer the office of the Mayor	<ul style="list-style-type: none"> <li>• Community &amp; Environment Committee for management overview</li> <li>• Town Clerk and Town Manager for Operational management</li> </ul>

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

Approved by Personnel, Policy & Governance Committee on 22<sup>nd</sup> June 2022

Approved by Full Council on 5<sup>th</sup> July 2022