



# ***BANBURY TOWN COUNCIL***

**SCHEME**

**OF**

**REFERENCE AND DELEGATION**



**SCHEME OF REFERENCE AND DELEGATION**

**GENERAL INFORMATION**

**1. Management of Council Property**

The Resources Committee is primarily responsible for the acquisition and disposal of property. The Resources Committee will make arrangements with other Committees and Sub-Committees of the Council to undertake the management and maintenance of property in accordance with arrangements specified by the Committee from time to time. Such arrangements would thereby fall within the delegated powers of the Committee or Sub-Committee designated as being responsible for the identified property.

**2. Staff**

Proposals involving changes in the approved establishment shall be submitted to the Resources Committee. The Committee shall consider the proposal in the light of the overall manpower budget and in respect of any matter not within its delegated powers shall make recommendations to the Council.

The Town Clerk, Deputy Town Clerk and Recreation & Amenities Manager will be appointed by a panel appointed by the Resources Committee. The Town Clerk will undertake the recruitment of all other staff employed by the Council.

**3. Delegation**

This scheme of Delegations authorises the Proper Officer and Responsible Financial Officer, Standing Committees and Sub-Committees of the Council to act with delegated authority in the specific circumstances detailed.

The proceedings of Committees and the acts of Committees and Officers under delegated powers shall be deemed to be the acts and proceedings of the Council, but matters which are not the subject of delegation arrangements shall be subject to the approval or disapproval of the Council.

The exercise of delegated powers by Officers shall be in accordance with the Council's Standing Orders and Financial Regulations in force from time to time and shall be in accordance with an approved policy or direction of the Council or of a Committee or Sub-Committee acting in exercise of its delegated powers. Instead of exercising delegated powers, Officers may refer a matter to the appropriate Committee or Sub-Committee for decision. The exercise of delegated powers by Officers shall in all cases be subject to the issue of any necessary consents by or on behalf of any Committee, Sub-Committee, or other Local Authority, Statutory Undertaker or Government Department.

In all cases in this Scheme any powers or duties delegated to the Town Clerk may be exercised by another Officer, either delegated generally for that purpose as an alternate, or specifically authorised by a Committee or Sub-Committee for a particular matter.

#### 4. **Prosecutions**

Any resolution, act, order or proceeding of Committees authorising a prosecution or other legal proceedings or any exercise of power under delegated arrangements pertaining to prosecutions or other legal proceedings shall be deemed to be a resolution, act, order or proceedings of the Council. In addition to any powers given to Officers to institute or defend certain proceedings, Committees are empowered by resolution in that behalf to authorise the Town Clerk to institute or defend proceedings, to lay informations, to make complaints and to sign or execute documents on behalf of the Council either generally or in respect of any particular matter. Delegation of the Council's powers under any enactment shall be deemed to include any subsequent amendment, modification or re-enactment thereof.

#### 5. **Acquisition and Management of Vehicles and Plant**

The responsibility for acquisition of vehicles and plant used in relation to the Council's business rests with the Resources Committee on recommendation from the appropriate Service Committee.

#### 6. **Legislative References**

Any of the powers and duties specified in this Scheme of Reference and Delegation that mention a specific legislative reference, shall continue to apply even when the legislation referred to has been superseded by newer legislation that grants such powers or imposes such duties.

#### 7. **Accounts & Audit**

The Responsible Financial Officer to the Council shall be responsible for the Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

#### 8. **Council**

The following Powers will only be exercised by the Full Council:

- i) The power to issue a precept.
- ii) The power to approve schemes for local lotteries.
- iii) The determination of borrowing limits.
- iv) Consideration of the External Auditor's Report.
- v) Approving the Financial Risk Assessment.
- vi) Making, amending or revoking Standing Orders, Financial Regulations or this scheme of Delegations.
- vii) Any proposed new undertakings.
- viii) Making of orders under any statutory powers.
- ix) Matters of principle or policy.
- x) Making, amending or revoking Bye-laws.
- xi) Nomination or appointment of representatives of the Council to serve on Outside Bodies.

**GENERAL DELEGATION**

**1. To Committees and Sub-Committees**

Delegated powers and decisions made by the committees are determined by the Terms of Reference for each Standing Committee. Any decision made by a Committee outside of delegated powers is subject to confirmation by the Council. Decisions taken by Sub-Committees, Working Groups and Advisory Bodies must be endorsed by their appointing Committee and by the Council unless Committees have been given delegated powers.

Subject always to the provisions of the Council's Standing Orders and Financial Regulations, the following powers and functions are delegated to each Committee appointed by the Council and to Sub-Committees appointed by those Committees:-

- (a) election of Chairman and Vice-Chairman;
- (b) appointment of Special Sub-Committees;
- (c) approval of its Minutes as a correct record, or the alteration of such Minutes to form a correct record;
- (d) deferment of any matter referred to the Committee or Sub-Committee;
- (e) publication of proceedings;
- (f) acceptance of tenders in any case where same are not accepted by the appropriate Officer (in consultation with the Chairman where necessary) pursuant to Standing Orders;
- (g) attendance of members at conferences within the limits specified by the Resources Committee;
- (h) the making of grants within approved estimates to public or voluntary bodies, except in cases where the grant application is not within the responsibilities of a particular Committee or Sub-Committee, when such application shall be determined by the Resources Committee;
- (i) the recommendation for approval of estimates;
- (j) except where specifically delegated to an Officer, and subject to any general directions or instructions given by the Resources Committee, the fixing of charges for goods, services or works provided by or carried out by the Council;
- (k) where directions are given by the Resources Committee the management of all property from time to time allocated to the use of a Committee or Sub-Committee;
- (l) the determination as to whether or not a standing list of contractors shall be kept and if one is to be kept, any decisions to refuse an application for inclusion in it; subject to the Resources Committee considering any representations from the excluded party as to the decision;
- (m) the agreement of approved duties, or the making of official and courtesy visits, in accordance with the Council's Members' Allowances Scheme;

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- (n) the making of recommendations to the Resources Committee for changes to the establishment in so far as the Committee's own services are concerned;
- (o) the future development of existing services, subject to any directions given by the Resources Committee;
- (p) the making of recommendations to the Council on the introduction of new services, subject to any concurrent recommendations of the Resources Committee with regard to the financial and human resources consequences, and to the Council's overall service provision strategy.

### **2. To Officers**

<u>Power/Duty</u>	<u>Qualifications (if any)</u>	<u>Designation of Officer by whom power/duty is exercisable</u>
(a) Any matter where an Officer has delegated authority to act.	In the absence of the Officer, or where the Officer is personally affected by the matter in question.	Town Clerk
(b) Attendance of Officers at conferences/seminars within approved estimates.	Subject to the cost being within the budget.	Town Clerk
(c) Matters which in the opinion of the Chairman of the particular Committee or Sub-Committee are urgent.	Provided that any action taken shall be reported to the appropriate Committee or Sub-Committee at its next ordinary meeting.	Town Clerk
(d) Invitations to persons other than Members of the Council to address Committees or Sub-Committees in order to advise them, in view of their professional expertise or special knowledge of particular subjects.	Subject to consultation with the Chairman of the particular Committee or Sub-Committee.	Town Clerk
(e) Appearance of applicants and objectors at meetings to make representations.	Subject to consultation with the Chairman of the particular Committee or Sub-Committee.	Town Clerk
(f) The appointment of Counsel, within the limit of the provision made in Revenue Estimates.	None	Town Clerk

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(g)	Authority to incur expenditure within approved capital and revenue estimates.	None	Town Clerk or Officer dealing with the particular matter.
(h)	Emergency expenditure up to £5000 outside the agreed budget.	None	Town Clerk
(i)	To agree the terms of and enter into any lease, licence, conveyance or transfer or grant easements, wayleaves and licences over Council land.	Subject to consultation with the Chairman of the appropriate Committee or Sub-Committee.	Town Clerk
(j)	The day to day administration of services, facilities and assets.	None	Town Clerk or Officer dealing with the particular matter.
(k)	The agreement of Approved Duties, for the purposes of the Members' Allowances Scheme where an urgent decision is required	Subject to consultation with the Chairman, or Vice-Chairman of the relevant Committee	Town Clerk
(l)	The day to day supervision, training and control of all the staff employed by the Council.	None	Town Clerk
(m)	To institute, defend and appear in any legal proceedings authorised by the Council.	None	Town Clerk
(n)	To appear or make representations to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the residents of Banbury).	None	Town Clerk
(o)	To act as the Council's designated officer for the purpose of the Freedom of Information Act 2000	None	Town Clerk
(p)	To determine the Council's accounting system and the form of the accounts and supporting accounting records	None	Responsible Financial Officer
(q)	The proper administration of the Council's Financial Regulations and submitting revisions to the Council for approval.	None	Responsible Financial Officer

**RESOURCES COMMITTEE**

**TERMS OF REFERENCE**

Except as specifically referred to any other Committee to deal with:-

**(A) FINANCE RELATED MATTERS**

- (1) All matters relating to finance.
- (2) To take an overview of charges proposed by other Committees and Sub-Committees and to formulate any guidelines in respect thereof.
- (3) Reviewing the Council's treasury management activities and supervising the investment of funds within the Council's control.
- (4) Members' services and allowances.
- (5) Financial audit.
- (6) Directing and controlling insurance in respect of the Council's property, members and employees.
- (7) Making recommendations to the Council on the capital programme – content, phasing and monitoring.
- (8) Making recommendations to the Council on the annual financial estimates and the Council's precept as to how these should be determined consistently with the Council's general priorities and policies.
- (9) The making of grants to public or voluntary bodies, (where the grant application is not within the purview of a particular Committee or Sub-Committee).

**(B) ESTATES RELATED MATTERS**

- (1) The acquisition, management and disposal of Council property and directions to be observed by Committees, Sub-Committees and Officers of the Council.
- (2) The provision of office accommodation and other facilities as required to enable the Council to undertake its functions, and the management thereof (except where same may be allocated to another Committee or Sub-Committee).

**(C) GENERAL MATTERS**

- (1) Making recommendations to the Council on matters which do not fall within the powers and duties of one or more other Committees.
- (2) Developing and reviewing the strategy of the Council; identifying the vision, aims and objectives.
- (3) Developing strong links with other organisations and overseeing any partnering agreements.



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- (4) Advising the Council as required on all matters affecting its scheme of administration (e.g. Standing Orders, Financial Regulations, Contract Procedures, Delegations) and the procedures applying to the Council and its Committees.
- (5) Considering and responding to any policy documents received from other organisations that are outside of the scope of other Committees and affect the area.
- (6) Keeping under review the policies and resources of the Council in relation to services and to advise the Council on the future developments of existing or the introduction of new services.
- (7) Ensuring the Council's strategies, policies and procedures are undertaken in accordance with statutory and legislative requirements.
- (8) Recommendations to the Council on membership of Committees and Sub-Committees.
- (9) Appointment of Members on outside organisations.
- (10) All matters relating to elections and electoral arrangements.
- (11) Any matters relating to the prevention and detection of crime/community safety.
- (12) The determination of standards for any service which is to be carried out other than by the Council and the terms of any agreement relating thereto.
- (13) Any matters relating to 'Best Value'.
- (14) Parish property and documents.
- (15) Making of By Laws.
- (16) Twinning.
- (17) Agency arrangements with any other Authority.
- (18) Lottery bids.
- (19) Parochial charities.
- (20) Town & Civic events.

### **(D) PERSONNEL MATTERS**

- (1) All matters relating to employees of the Council their conditions of service, health, welfare and safety and the conditions under which they work.
- (2) Determination and review of the establishment, and personnel policies including Health and Safety.

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### **DELEGATED POWERS**

#### To the Committee

- (a) All matters relating to:-
  - (i) writing off bad debts exceeding £500;
  - (ii) amendments to the Members' Allowances Scheme;
  - (iii) parish property and documents;
  - (iv) enforcement of covenants on the sale of land by the Council;
  - (v) enforcement of the condition of leases of land leased by the Council;
  - (vi) parochial charities;
  - (vii) conditions of service of all employees;
  - (viii) procedures for recruitment of the Town Clerk; Deputy Town Clerk and Recreation & Amenities Manager;
  - (ix) changes in the approved establishment in accordance with any directions given by the Council;
  - (x) determination of any matter relating to a person or firm being denied inclusion on a select list of contractors;
  - (xi) the scheme for the letting or use of rooms or meeting halls owned by the Council;
  - (xii) the approval or authorisation under Standing Orders relating to contracts of any matters requiring the Committee's approval or authority;
  - (xiii) disciplinary action in relation to, and the suspension, dismissal or reduction in grade of, the Town Clerk (subject to a right of appeal to the Appeals Committee).
  - (xiv) appointing Member Panels as required under the Council's Disciplinary and Grievance Policies and Procedures.
  - (xv) responding to consultation documents.
  - (xvi) electoral issues, including making recommendations to the Council on all matters affecting the boundaries of the Council's area, and its wards.
  - (xvii) approval of banking arrangements.
  - (xviii) the strategic and policy issues affecting the Council's acquisition and development of information technology.

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### To Officers

(a) In accordance with General Delegation.

(b) All matters relating to:-

<u>Power/Duty</u>	<u>Qualifications (if any)</u>	<u>Designation of Officer by whom power/duty is exercisable</u>
(i) The making of small ad hoc grants from the "Small Contributions Fund".	Subject to consultation with the Chairman.	Town Clerk
(ii) Disciplinary action in relation to, and the suspension, dismissal or reduction in grade of, any staff (other than the Town Clerk) employed by the Council.	Subject to a final right of appeal to the Appeals Committee.	Town Clerk
(iii) Letting of rooms and meeting halls	Within the schemes agreed by the Committee	Town Clerk.
(iv) Investment of funds.	In accordance with the Council's Treasury Management Policy	Responsible Financial Officer.
(v) Insurances.	In accordance with Financial Regulations	Responsible Financial Officer.
(vi) Writing off bad debts below £500	Reported to Resources Committee	Responsible Financial Officer.
(vii) Management of Town & Civic events	None	Town Clerk

**APPEALS COMMITTEE**

**TERMS OF REFERENCE**

To hear and determine appeals made by employees in relation to decisions concerning their grading, terms of employment, disciplinary action, suspension, dismissal or reduction.

**DELEGATED POWERS**

To the Committee

- (a) In accordance with general delegation.
- (b) The determination of appeals made by employees.

To Officers

- (a) In accordance with general delegation.
- (b) Appearance of appeal witnesses and other persons at hearings to make representations.

(NOTE: no member of the Committee shall participate in the determination of any appeal against a decision to which they have been a party, or in which they otherwise have a Disclosable Pecuniary Interest.)

**GENERAL SERVICES COMMITTEE**

**TERMS OF REFERENCE**

Except as specifically referred to any other Committee to deal with all matters relating to:-

- (1) Recreation and recreational facilities, parks, open spaces, play areas and the like.
- (2) Cultural activities, entertainment and the arts.
- (3) Allotments.
- (4) Community centres, public halls and assistance in the provision thereof.
- (5) Tourism.
- (6) Public Clocks and Monuments (including Banbury Cross and the Fine Lady on a White Horse statue).
- (7) Burial grounds, cemeteries, crematoriums, mortuaries and maintenance of closed churchyards.
- (8) The Park Ranger Service.
- (9) Town Fairs.
- (10) Litter and litter receptacles.
- (11) Street lighting and street furniture (including bus shelters).
- (12) Winter maintenance (including the provision of salt bins and management of the Snow Wardens scheme).
- (13) Public conveniences.
- (14) Landscape and trees.

**DELEGATED POWERS**

**To the Committee**

- (a) In accordance with the General Delegation.
- (b) All matters relating to:-
  - (i) sites for fairs/circuses or other facilities;
  - (ii) provision and maintenance of allotments;
  - (iii) maintenance of parks, open spaces and amenity areas;
  - (iv) tourism promotion and publicity;

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- (v) siting of play areas/play equipment;
- (vi) management of community centres/public halls;
- (vii) maintenance of closed churchyards;
- (viii) provision of burial services, management of the cemeteries/crematoriums ;
- (ix) management of public conveniences.
- (x) maintenance of Public Clocks and Monuments

### To Officers

- (a) In accordance with General Delegation
- (b) All matters relating to:-

<u>Power/Duty</u>	<u>Qualifications (if any)</u>	<u>Designation of Officer by whom power/duty is exercisable</u>
(i) Allocation or termination of tenancies of allotments	None	Town Clerk.
(ii) Use of parks, open spaces and recreational areas for special functions	None	Town Clerk.
(iii) Grants of grave space, headstones and ERBs	None	Town Clerk.
(iv) Provision of litter and dog litter bins, grit bins and street furniture, including bus shelters.	Subject to consultation with the relevant Ward Members	Recreation & Amenities Manager
(v) Management of the Snow Wardens scheme.	Within approved budget provision.	Recreation & Amenities Manager
(vi) Maintenance of play equipment.	Within approved budget provision.	Recreation & Amenities Manager
(vii) Day to day management of the Park Ranger Service.	Within approved budget provision.	Recreation & Amenities Manager

**PLANNING COMMITTEE**

**TERMS OF REFERENCE**

Except as specifically referred to any other Committee to deal with all matters relating to:-

- (1) Town and Country Planning and Development in the Parish.
- (2) Transportation issues.
- (3) Highways, footpaths and any traffic matters.
- (4) Off-street parking and cycle parks.
- (5) Licensing.
- (6) Drainage.
- (7) The operation of the Banbury Traffic Advisory Committee and consideration of any relevant decisions arising therefrom.

**DELEGATED POWERS**

**To the Committee**

- (a) In accordance with General Delegation.
- (b) All matters relating to:-
  - (i) the Council's response to Cherwell District Council on any development control or licensing matter on which it is consulted, including Local Plans;
  - (ii) the Council's response to Oxfordshire County Council on any planning, highway or transportation matters on which it is consulted;
  - (iii) publication of information on public passenger transport services;
  - (iv) any matter where the Council's consent is required under highways legislation;
  - (v) parking places, where the Council has decided to provide them.
  - (vi) Naming of streets.

**To Officers**

- (a) In accordance with General Delegation
- (b) All matters relating to the following:-

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<u>Power/Duty</u>	<u>Qualifications</u>	<u>Designation of Officer by whom power/duty is exercisable</u>
Submission to the District Council of the Town Council's comments in respect of applications, including retrospective applications, falling into any of the categories described below.	Subject (a) to consultation with the Chairman of the Planning Committee (or the Vice Chairman in the absence of the Chairman); (b) to no request having been made by a Ward Member for the application to be referred to the Planning Committee for consideration; and (c) to details of comments submitted to the District Council being reported to the next appropriate meeting of the Planning Committee.	Town Clerk
Submission to the District Council of the Town Council's comments on Tree Preservation Orders.	Subject to consultation with the relevant Ward Members	Town Clerk

### (Categories of Application)

- (i) Extensions, improvements or other alterations to dwelling houses;
- (ii) Development for domestic purposes within the curtilage or incidental to the enjoyment of a dwelling house (eg garages, carports, outbuildings, hardstandings, satellite antennae, etc);
- (iii) Walls, fences, gates and other means of enclosure;
- (iv) Vehicular and pedestrian accesses to trunk or classified roads or alterations to existing vehicular and pedestrian accesses to trunk or classified roads;
- (v) The erection or stationing of any temporary buildings for a period not exceeding two years;
- (vi) The temporary use of any land or buildings for a period not exceeding two years;
- (vii) Alterations to and installation of new shop fronts;
- (viii) Alterations to industrial, commercial, business and other non-residential buildings where there is no increase in floor space;
- (ix) All landscaping matters, including trees in a conservation area;
- (x) Engineering works, including drainage works, balancing ponds and earthworks;
- (xi) Erection of satellite dishes and telecommunications antennae;



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- (xii) Substitution of house types/variation of housing layouts.
- (xiii) Conservation Area consent to demolish unlisted buildings (including walls and other means of enclosure) in Conservation Areas;
- (xiv) Alteration, extension, demolition or partial demolition of Listed Buildings excluding those which are associated with applications for planning permission which cannot be determined under delegated powers;
- (xv) Express consent to display any advertisements submitted under the Town and Country Planning (Control of Advertisements) Regulations;
- (xvi) The erection of buildings, extensions and plant for industrial, commercial, business and other non-residential purposes, subject to a floor space maximum (gross) of 1,000 sq metres and under 12 metres in height;
- (xvii) The change of use of land and buildings including the change of use to and sub-division of dwellings;
- (xviii) The renewal of previous permissions, consents or other approvals which have not expired and where the planning circumstances have not materially changed.

**DISPENSATIONS SUB COMMITTEE**

**TERMS OF REFERENCE**

Except as specifically delegated to the Town Clerk, to deal with all matters relating to the determination of requests from Town Councillors for dispensations under Section 33 of the Localism Act 2011:-

**DELEGATED POWERS**

**To the Sub Committee**

The determination of requests from Town Councillors for dispensations under Section 33 of the Localism Act 2011, where the Town Clerk is minded to refuse the request, or otherwise considers it appropriate to refer the matter to the Sub Committee rather than exercise his delegated authority.

**To Officers**

(a) All matters relating to:-

<u>Power/Duty</u>	<u>Qualifications (if any)</u>	<u>Designation of Officer by whom power/duty is exercisable</u>
The approval of requests from Town Councillors for dispensations under Section 33 of the Localism Act 2011.	None	Town Clerk

(Note: where the Town Clerk is minded to refuse a request, the matter be referred to the Dispensations sub committee)