



## Abingdon-on-Thames Town Council

# TERMS OF REFERENCE AND SCHEME OF DELEGATIONS TO COMMITTEES AND OFFICERS

Document Control				
Review date is indicative and will depend on changes in legislation, best practice or when required. Alternative formats of this document may be available upon request.				
Version Number	Date Adopted	Minute Number	Amendments	Review Date
V1				
V2	28/07/21	C26/21		March 2023
V3	22/03/23	T119/22	Formatting Changes	May 2023

## 1) INTRODUCTION

- a) Section 101 of the Local Government Act 1972 allows local Councils to appoint one or more Committees or Sub-Committees to discharge any of its functions. It is not necessary for the Council to ratify Committee decisions where a delegation applies.
- b) The membership of Committees is fixed by the Council, and of Sub-Committees and of Working Groups/ Parties by the appointing Committee. In constituting such Sub-Committees and Working Groups/Parties the Council or Committee as appropriate shall have full regard to the implications on the Members and Officers of creating Sub-Committees and Working Groups.
- c) The scheme outlined below may be amended at any time by the Council.

## 2) DEFINITIONS

- a) In this scheme, the following words and phrases shall be given the meanings outlined below:
- b) "Council" refers to Abingdon-on-Thames Town Council.
- c) "Council matters" means those items specifically included in the approved Terms of Reference as falling within the specific purview of Council.
- d) "Committee" means one of the following standing committees, the terms of reference of which may be found on the pages indicated:
  - i) Finance, Governance & Asset Management Committee
  - ii) Environment Committee
  - iii) Town Infrastructure Committee
  - iv) Community Committee

## 3) GENERAL

- a) **Compliance with the law:** Committees can only act within the law and in accordance with the Council's approved Standing Orders and Financial Regulations.
- b) **Budgets:** Committees can only exercise delegated powers if there is budgetary provision for any proposed expenditure. They can vire monies within their overall budget in accordance with the provisions of the Council's Financial Regulations. They will also be able to utilise those earmarked reserves the control of which is delegated by the Council. If no budgetary provision is available, delegated powers may only be exercised subject to obtaining approval for a supplementary estimate, and this must be done through referring the matter to the full Council following consultation with The Town Clerk and the Chair of the Finance , Governance & Asset Management Committee

- c) **Committee Conflict/overlap:** As far as possible decisions should be made either by a standing committee or by full council. There may be occasions when there is ambiguity as to which committee has powers to deal with a particular matter. In such cases, the matter shall be resolved by the Town Clerk or other officer delegated to act in conjunction with the Chairs of the two committees.
- d) **Council Matters:** Committees may report or make recommendations to Council in relation to Council reserved matters (as set out in section 5). They shall not have delegated powers to determine such matters but may report or make recommendations to Council.
- e) **Concurrent powers:** The Council may at any time exercise any of the duties and powers within the scheme which are delegated to the Council's Committees or Sub-Committees. A Committee may at any time exercise any of the duties and powers of its Sub-Committees or Working Groups/ Parties.
- f) **Co-opted members:** Non-members of the council may not be co-opted to any standing committee. Committees may however co-opt to any advisory committees, sub committees or working groups which may be established members who are not members of the Council in accordance with the relevant legislation. Co-option of non-council members to any entity requires the approval of the parent standing committee, which will then make a recommendation to the Council for final approval. In accordance with the legislation, co-opted members have no voting rights and, if a co-opted member is appointed to Chair a meeting, he/she has neither an original nor a casting vote. The position of co-opted members shall be reviewed annually, as is the general membership of all Council Standing Committees and Sub-Committees.
- g) **Committee membership:** The Mayor is ex-officio voting member of all the Council's standing Committees and an ex-officio non-voting member of all sub-committees and working groups/ parties. The Mayor may not be Chair of any Committee or Sub-Committee. A member may not be Chair of more than one standing Committee. The Chair of the Finance , Governance & Asset Management Committee is ex-officio voting member of all the Council's Standing Committees and an ex-officio non-voting member of all sub-committees and working parties.
- h) **Political Balance:** Whilst the Council is not subject to the provisions of the Local Government and Housing Act 1989, concerning the allocation of places between representatives of political groups, the Council will attempt to retain a balance in terms of the overall allocation of Committee places and the allocation to individual Committees.
- i) **Considerations with regard to decision-making:** In making any decisions or recommendations each Committee should consider the implications in relation to: The Council's agreed strategy, best practice, existing council policies, crime and disorder, the environment, finance and staffing implications.

#### 4) GOVERNANCE PRINCIPLES OF THE COUNCIL

- a) The Town Council is the Sovereign elected body from which all delegated authority flows. It reserves to itself those matters that it is required to consider by statute together with other matters of overall policy, governance, civic responsibility, significant finance, budgeting or other aspects of resourcing.
- b) The Council may delegate any other matter as it sees fit either to officers, via the Town Clerk or to a committee of three or more members. In principle all day to day decisions required in connection with the running of the Council are delegated to the Town Clerk and through the Town Clerk to officers of the Council, subject to periodic review of performance with appropriate committees or the full council against agreed performance criteria.
- c) Subject to observance of decisions of the Council on matters of principle or policy, all the Council's powers and duties which have not been specifically reserved, shall be delegated to the Committees in accordance with the following terms of reference unless otherwise specified.
- d) Committees may resolve all matters within their terms of reference. Terms of reference shall include ;
  - i) Delegations of strategic development work in accordance with the committee's remit.
  - ii) Agreeing performance standards for operational activities and periodical reviewing performance in designated operational areas.
  - iii) Providing officers with review and steering feedback during the development of significant pieces of work ( e.g. development of the annual budget)
- e) Where matters arise which involve Council reserved powers ( such as for example the budget) these Committee decisions should be referred to the full council as a recommendation.
- f) The acts and proceedings of a Committee shall:
  - i) Where they are delegated to the Committee, so far as is legally permissible be deemed to be the acts and proceedings of the Council;
  - ii) As regards other matters, be subject to resolution by the Council
  - iii) In all respects be subject to the provisions of the Council's Standing Orders and Financial Regulations except as otherwise determined by the Council.
- g) The Council may resolve to review any committee decision at any time. The Council may at any time without prejudice to executive action already taken revoke any executive power delegated to a Committee.
- h) The Town Clerk and the Responsible Financial Officer (RFO) will report regularly to appropriate committees and the Town Council all significant actions undertaken using their delegated authority.

- i) The terms of reference of all committees are subject to the following reservations:
  - i) That powers be exercised in accordance with any policy adopted, or directions given, by the Town Council.
  - ii) That any proposal which involves any major changes in the existing policies approved by Council, shall be submitted to the Town Council for approval.
  - iii) Urgent/ emergency matters which would normally be referred to a committee may be dealt with by the Town Clerk in accordance with their delegated powers acting in consultation with the Chair and Vice-Chair of the relevant Committee. Any action taken under these provisions will be reported to the appropriate committee or the full council at the next available opportunity.
- j) Committees will bring to the attention of Council any matters being pursued by other local authority/statutory/voluntary or other bodies which may have a beneficial or detrimental effect on Abingdon.
- k) There will be a 15-minute public session with members of the public being able to speak. This is subject to a separate scheme.

## **5) FULL COUNCIL POWERS RESERVED (Council Matters)**

- a) The following are powers reserved to the full sovereign body of the Council. Committees may made recommendations in respect of these powers but decision making in these areas shall only be made by full council.
  - i) The Power of raising loans, approving the annual budget, and setting the Precept;
  - ii) The power of incurring capital expenditure not specifically included in the Council's approved estimate of expenditure for the time being;
  - iii) The appointment to or co-option to a Sub-Committee of a person (on a strictly non-voting basis) who is not a Member of the Council or the Committee;
  - iv) Standing Orders and the functions and constitution of Committees and Sub-Committees;
  - v) Dates of meetings of the Council and Committees;
  - vi) Appointment or nomination by the Council of persons to fill vacancies on outside bodies arising during the Council year;
  - vii) Filling of vacancies occurring on any Committee or Sub-Committee of the Council during the Council year;
  - viii) The appointment or dismissal of the Clerk to the Council;

- ix) Cessation of any Council service;
- x) Granting of civic honours such as Honorary Freedom or Twinning Awards
- xi) Annual review of all committee work plans and strategic programmes.
- xii) Adopting a programme of continuous improvement across all aspects of its work in accordance with a robust system of performance management.
- xiii) Review and adoption of the Corporate Plan
- xiv) Any other matter required by law to be determined by the Council and which cannot be delegated to a Committee, sub-Committee or officer, or which the Council may determine as Council business and
- xv) Any other matter that has not been delegated to a Committee , sub-committee or officer

## 6) COMMITTEE TERMS OF REFERENCE AND DELEGATIONS

### a) Finance, Governance and Asset Management Committee

- i) **Membership:** Seven Councillors including committee chairs plus the Mayor (ex officio)
- ii) **Committee Purpose:**
  - (1) **Strategic:** Define and oversee projects, programmes and services which work towards the Council's objective "To manage the Council's assets efficiently and effectively to meet the needs of the community now and in the future."
  - (2) **Operational:** Agree performance standards for identified functions set out below and periodically review process efficiency and operational performance against those standards.
    - (a) Consolidation of the Corporate Plan
    - (b) Corporate Management
    - (c) Central Services, administration and Roysse court office
    - (d) Corporate Governance
    - (e) Democratic Services
    - (f) Finance, Budgeting and Risk Management
    - (g) Property Management (except where specifically delegated to other committees.)
    - (h) Residents Parking Scheme
    - (i) HR and staffing

**iii) Specific Delegations**

- (1) Dealing with all matters pertaining to the performance, terms and conditions of service, and superannuation of the Council's staff and making appropriate recommendations relying on, where appropriate, the Scheme of Conditions of Service of the National Joint Councils, the National Association of Local Councils, and any approved Local Conditions of Service;
- (2) To oversee all matters relating to staffing including appointments and terms and conditions of service and HR policies;
- (3) To ensure that the training needs of members and staff are met, and to ensure that the Council provides a safe working environment with regard to health and safety and other statutory obligations;
- (4) To recommend to Council the annual budget, variations and supplementary estimates relating to budgets of the standing Committees and any Corporate plans, strategies and policies;
- (5) To advise the Council on the financial implications and funding of any capital or revenue projects;
- (6) To advise the Council in relation to disposal, acquisition or renewal of any property interests;
- (7) To oversee the council's relationship with tenants and lessees and both the council's and the tenant's/lessee's compliance with their obligations under the applicable legal agreement, including in relation to the Abbey Hall;
- (8) To receive notification of monies arising from the Community Infrastructure Levy (CIL) and make recommendations to Council on the use of CIL funds;
- (9) To make recommendations to the Town Council in relation to approval or delegation to the control of a Committee of drawings from the Council's Earmarked reserves;
- (10) To make recommendations to Council in respect of applications from other Committees to draw on the Council's Pooled Property Fund;
- (11) To agree a programme of internal audit and to ensure that all areas for improvement identified therein and actioned accordingly by the appropriate committee;
- (12) To receive Auditors' reports and to make recommendations regarding any matters arising from such reports;
- (13) To approve payments of accounts in accordance with the Standing Orders, to monitor the level of Council income/expenditure compared with the Council's approved estimates and to control the management of the Council's financial

resources including bank accounts and investments;

- (14) To oversee the collection of income and the write-off of irrecoverable debts as detailed in the Council's financial regulations;
- (15) To maintain the town's archives and treasures at County Hall Museum, in the Guildhall, the Council offices and in storage elsewhere, including the Muniment Room and to ensure their documentation in accordance with approved standards, their security and most effective use.

## b) Environment and Amenities Committee

i) **Membership:** Seven Councillors plus the Mayor and the Chair of Finance, Governance and Asset Management (ex officio)

### ii) Committee Purpose:

- (1) **Strategic:** Define and oversee projects, programmes and services which address the Council's objective "**Respond Effectively and Speedily to the Climate Emergency**", as agreed at Council on 20th March 2019.
- (2) **Operational:** Agree performance standards for identified functions set out below and periodically review process efficiency and operational performance against those standards. Oversee all Amenities and Recreation matters falling within the purview of Abingdon-on-Thames Town Council;
  - (a) Adverse weather arrangements;
  - (b) Allotments;
  - (c) Abingdon in Bloom;
  - (d) Cemeteries - burials and maintenance;
  - (e) Closed Churchyards;
  - (f) Fisheries;
  - (g) Maintenance of trees on Town Council land and working towards increasing tree cover;
  - (h) Recreation areas, play areas, the town's open spaces, amenity land and sports pitches;
  - (i) Roysse Court garden;
  - (j) War memorial;
  - (k) Keeping the town tidy through grounds maintenance, litter picking and general management on areas which are the responsibility of the Town Council and where there is an agency agreement with another authority to provide such services;
  - (l) The Council's Works Depot, transport, plant and equipment;
  - (m) Development and delivery of a biodiversity strategy;
  - (n) working with other landowners and organisations to achieve the Town Council's strategic objectives.

### iii) Specific Delegations



- (1) To undertake a systematic review of all of the Council's services (including its internal operations) and make recommendations to the Council, its committees and sub-committees on ways in which the council can reduce damage to the global and the local environment through its policies and practices in the delivery of its services.
- (2) To develop and implement a work plan for the Council to address internal and external changes which will assist the community in moving to meet committed environmental targets.
- (3) To propose new services and initiatives which the Council should consider in relation to their impact on the climate emergency and the environment.
- (4) To oversee bids for funding relating to the climate emergency and improving the environmental impact of its actions.
- (5) To provide an annual report on the Council's progress made to comply with the Council's motion of 20th March 2019 and the target set to make the Council as carbon neutral as possible by 2030 at the Council meeting each January.
- (6) To provide community leadership and raise awareness in relation to the climate emergency and sustainability, working with and engaging with public sector partners, businesses, community groups and residents.
- (7) To advise on how the Council can contribute to:
  - (a) national legally binding targets on the climate emergency
  - (b) countywide targets on the climate emergency through the Oxfordshire Environment Partnership (OEP)
  - (c) the Oxfordshire Energy Strategy Delivery Plan
- (8) To establish service policies, approve programmes of work, monitor performance and take decisions in respect of those operational areas detailed above
- (9) To oversee all arrangements within the town relating to recreation areas and open spaces, including the responsibilities of the various local authorities and arrangements in place for the management and maintenance of open spaces.
- (10) To oversee the provision of allotments and cemeteries.
- (11) To consider the Council's environmental initiatives, and in particular to co-ordinate and make recommendations relating to its policies relating to the environment.

### c) Town Infrastructure Committee

i) **Membership:** Seven Councillors plus the Mayor and Chair of Finance, Governance and Asset Management (ex officio)

ii) **Committee Purpose:**

**(1) Strategic: develop a resilient, sustainable town which will provide a home for residents now and in the future**

**(2) Operational:** agree performance standards for identified functions set out below and periodically review process efficiency and operational performance against those standards.

- (a) Direct infrastructure
- (b) Planning
- (c) Neighbourhood plan
- (d) Other planning policies of the council
- (e) Street Naming
- (f) Consultations on all infrastructure matters

iii) **Specific Delegations**

(1) Develop and subject to Council approval, implement a work plan aimed at meeting the committee's strategic objective through:

- (a) Direct infrastructure services and projects including Street furniture in areas which are the responsibility of the Town Council including bus shelters, public seats and town entry signs (but not including notice boards);
- (b) Working in partnership with public sector, private sector and third sector bodies;
- (c) Lobbying infrastructure actors and providers in respect of Abingdon priorities relating to the strategic objective.

(2) The Council is consulted by the district council in relation to all planning applications registered in Abingdon. In order to exercise this power in an efficient, effective and focused manner the Council will appoint a panel of three members which will meet every three weeks to consider planning applications. The panel will have authority to consider and comment on any plans which have been registered on the District Council's website and which any member of the council has requested the panel to consider by way of a "call-in" mechanism. Authority is delegated to the Town Clerk to offer no objection to any application which has not been called-in by members. The Committee will agree a detailed scheme to regulate this procedure which will include deadlines ahead of meetings for the call-in mechanism to be exercised.

(3) Make recommendations to Council on street naming and to make representations to the District Council regarding house naming and street numbering.

- (4) To consider and monitor strategic, County, District and other developmental plans, proposed listed buildings, conservation areas, tree preservation orders and building preservation orders which impact upon Abingdon-in-Thames, and the making of all appropriate representations.
- (5) Oversee the Town Council's involvement in the development of a neighbourhood plan
- (6) Review, adopt and develop other planning policies which it may consider to be desirable for Abingdon.
- (7) The making of representations to the appropriate Planning Authority in respect of other planning matters not otherwise referred to.
- (8) To consider all matters relating to highways, footpaths and bridleways, and to make representations to other authorities regarding these matters.
- (9) To consider all matters relating to transportation and car parking issues, traffic regulations orders and to make representations to other authorities regarding these matters.
- (10) To consider other matters relating to the physical environment of the town, but which are not under the direct control of the Council, including disabled access issues (excluding those relating to Town Council services), and recycling of waste materials.
- (11) To consider and to make recommendations to other authorities regarding applications in respect of applications for liquor, gaming and public entertainments licences.
- (12) To consider all other consultations as may in relation to services operated in the town including leisure and recreation, health care/ service provision and policing and, if the Committee considers it to be necessary and taking in to account the timescale of the consultation, to refer such consultations on to other Council committees.
- (13) To convene a multi-agency traffic advisory committee in accordance with the constitution agreed between the relevant local authorities
- (14) To support active travel in and around Abingdon, including responsibility for the budgets in relation to transport.

## d) Community Committee

- i) **Membership:** Seven Councillors plus the Mayor and Chair of Finance, Governance and Asset Management (ex officio)
  
- ii) **Committee Purpose:**
  - (1) **Strategic: to work with community partners to support those who are vulnerable and in need and to create opportunities to increase social inclusivity**
  
  - (2) **Operational:** agree performance standards for identified functions set out below and periodically review process efficiency and operational performance against those standards.
    - (a) Oversee all aspects of community engagement and communication, the Council's community events programme and information services generally, including the management and control of related budgets, the County Hall Museum service and the Guildhall Historic Buildings.
    - (b) Civic and Mayoral Services
    - (c) Christmas lights;
    - (d) Fairs.

### iii) Specific Delegations

- (1) Develop and subject to Council approval, implement a workplan aimed at meeting the committee's strategic objective through;
  
- (2) Dealing with aspects relating to the effective management and operation of the County Hall Museum and the Guildhall Historic Rooms;
  
- (3) To oversee museum service policies, approve service programmes of work, monitor performance and take decisions in respect of the County Hall Museum and the Guildhall Historic Rooms;
  
- (4) To oversee an effective programme of events at the County Hall Museum in conformance with approved trading/letting policies;
  
- (5) Working in partnership with public sector, private sector and third sector bodies in fulfilling the Council's functions and enhancing the local economy to enable local business to contribute to town life;
  
- (6) Lobbying infrastructure actors and providers in respect of Abingdon priorities relating to the strategic objective.
  
- (7) To scrutinise the objectives and policies of the Council to ensure that, as far as is practicable, services are inclusive of all sections of society, and are free from any discrimination or prejudice.

- (8) To consider the provision of community events of the widest possible appeal and accessibility, organised by the Council or in partnership with other organisations, and to establish an annual programme of such events which can demonstrate that they contribute to delivery of strategic objectives
- (9) To consider community safety matters, including liaising with other authorities regarding matters including policing, neighbourhood warden schemes and CCTV. As part of this process, the town council part-funded PCSO should be invited to attend and report to this committee every six months.
- (10) To manage and organise the Council's civic events programme with the proviso that any material changes or new dates being added in will be referred to the Council for decision, including any proposals for a Bun-Throwing Ceremony;
- (11) To be responsible for all aspects of the Council's Markets service/provision, including use of the Market Place and the annual Fairs;
- (12) Consideration of financial grants to organisations;
- (13) To liaise with local voluntary organisations regarding the development of community services;
- (14) To oversee the operation of the information Centre and shared reception with Oxfordshire Registration Service for the benefit of residents and visitors;
- (15) The organisation of any Council twinning activities;
- (16) Oversee external communications through a multimedia strategy to include the Town Crier and other publications, the website, social media, noticeboards, emails, press releases and public contact.
- (17) To consider an annual rolling publicity and communications plan every six- months;
- (18) To oversee brand management, style guides and key messaging of the council
- (19) To ensure there is an effective internal communication strategy
- (20) Oversee council's contribution to Children and Family support and work with stakeholders to provide services to benefit families with young children (Heather might be able to suggest a good wording for this point)
- (21) Work with other stakeholders to maximise the provision for youth services within Abingdon.
- (22) Support and liaise with Abingdon Youth Voice
- (23) Identify opportunities to support work with elderly residents.
- (24) Identify opportunities to support work vulnerable or marginalised residents

- (25) Consider ways to engage with all residents, including those not presently engaged with services; to be aware of barriers to participation and creative in overcoming these; be aware of economic disparity between residents and responsive to differing needs.

## **e) Delegations to Officers**

### **i) Proper Officer**

- (1) The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised under the Council's standing orders to:
- (a) receive declarations of acceptance of office;
  - (b) receive and record notices disclosing personal and prejudicial interests;
  - (c) receive and retain plans and documents;
  - (d) sign notices or other documents on behalf of the Council;
  - (e) receive copies of by-laws made by the District Council;
  - (f) certify copies of by-laws made by the Council;
  - (g) sign summonses to attend meetings of the Council.
- (2) In addition, the Town Clerk has the delegated authority to undertake the following on behalf of the Council and the power to further delegate matters to other officers:
- (a) the day-to-day management of the Council together with routine inspection and control;
  - (b) the supervision and control of all staff employed by the Council, including recruitment;
  - (c) the authorisation of expenditure within the agreed budget up to a limit of £20,000 per item subject to normal provision for ensuring value for money;
  - (d) respond to planning consultations in line with delegations from the planning panel;
  - (e) maintain records of progress against Council resolutions requiring action and review periodically;
  - (f) make responsibility for actions specifically delegated by the Council.

### **ii) Responsible Finance Officer**

- (1) The Deputy Town Clerk shall be the Responsible Financial Officer to the Council and shall be responsible for the Town Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.
- (2) The Responsible Finance Officer will work with the Mayor, Committee Chair, the council and committees to establish annual budgets and precepts which reflect agreed workplans to meet the Council's corporate objectives.