



BOGNOR REGIS TOWN COUNCIL

COUNCIL

TERMS OF REFERENCE

Adopted by the Council at its Meeting held on 22nd May 2023

BOGNOR REGIS TOWN COUNCIL

TERMS OF REFERENCE: COUNCIL

16 Members of the Authority

Quorum = Minimum of one third of the total Council membership but no less than 3

Introduction to Powers and Duties of Standing Committees

Subject to the matters to be reserved to Council, a majority of the Council's powers and duties are delegated to standing committees as set out in their respective terms of reference, subject to the acts and proceedings of a committee:

- a. where delegated to committee, so far as is legally permissible, be deemed the acts and proceedings of the Council;
- b. where not delegated, recommendations from committee, will be subject to confirmation by Council and when confirmed will be deemed the acts and proceedings of the Council;
- c. in all respects be subject to the provisions of the Council's Standing Orders, Standing Orders for Contracts and Financial Regulations except as otherwise determined by Council.

No Committee, or officer is authorised to make decisions which breach a Council policy or a budget allocation, however in exceptional circumstances a recommendation can be made for determination by Council.

Where acting under delegated authority, a committee may decide to refer the decision to full Council and shall make recommendations as appropriate.

Standing Orders make provision for a public question time at all standing committee meetings as well as at Council. In addition, all committees may take representations from the public on an agenda item if it is notified to them prior to the meeting, subject to agreement of the whole committee.

Committees must submit an annual proposed budget to Policy & Resources Committee within the annual budget programme.

Function of Council Column 1		Delegation of Functions Column 2
1.	Powers of all Standing Committees	
1.1	To arrange extra meetings	<ul style="list-style-type: none"> • Town Clerk in consultation with Chairman or Vice Chairman
1.2	To cancel or postpone a meeting owing to lack of business or in an emergency	<ul style="list-style-type: none"> • Town Clerk in consultation with Chairman or Vice Chairman
1.3	To monitor implementation of actions on minutes of the committee	<ul style="list-style-type: none"> • Committee
1.4	To manage services for which they are responsible within an approved budget & policy	<ul style="list-style-type: none"> • Committee
1.5	To make recommendations to Council on efficiency and effectiveness measures.	<ul style="list-style-type: none"> • Committee
1.6	To authorise spending/ issue works orders within budgets delegated to committee, & in accordance with Financial Regulations.	<ul style="list-style-type: none"> • Committee
1.7	To establish sub-committees and working groups on a task and finish basis, relevant to the work of the committee	<ul style="list-style-type: none"> • Committee, subject to terms of reference of sub-committees not exceeding powers of committee. • Council to ratify permanent sub-committees and working groups
1.8	Appointment of Chairmen of committees, sub-committees and working groups.	<ul style="list-style-type: none"> • Committee chairmen reserved to Council • Council may delegate appointment of Vice Chairman to Committee • Committee may appointment Chairman & Vice Chairman of sub-committee or working group which they establish

1.9	Agreeing and/or amending the Terms of Reference for Committees, sub-committees deciding on their composition and making appointments to them	None for committee, but on advice from committee
1.10	In addition to authority under Financial Regulations, any committee other than Policy & Resources shall refer proposals which would incur non-budgeted expenditure or would reduce by more than £500 budgeted income to Policy and Resources Committee, which shall make recommendations to Council on the matter.	<ul style="list-style-type: none"> • Committee
1.11	A committee may vire monies within its approved budget between heads provided that any virement which would exceed 5% of the committee's budget would be referred to Policy & Resources Committee for consideration of any purely financial implications.	<ul style="list-style-type: none"> • Committee

2	General Governance	
2.1	Adoption and amendment of the Council's Corporate Strategy.	None, but to receive advice from Policy & Resources Committee
2.2	Comments on the Strategic Plans or strategies of principal councils	None, but to receive advice from relevant committee
2.3	Approval and amendment of all policies not delegated to a particular committee <ul style="list-style-type: none"> • Pensions Discretions Policy • Personnel Policies and Employee Handbook 	None except <ul style="list-style-type: none"> • Policy & Resources Committee • Policy & Resources Committee
2.4	Endorsement of Town Centre Plans etc	None
2.5	Approval of Neighbourhood Plan	None
2.6	Adopting and changing the Constitution, Standing Orders, Standing Orders for Contracts or Financial Regulations	None, but on advice of Policy & Resources Committee
2.7	Approving annual budget, Precept, and Medium-Term Financial Strategy	None, but on advice of Policy & Resources Committee
2.8	Any delegated decision which may mean a breach of Council Policy or Budget outside virement rules	None
2.9	Election of the Mayor, appointment of Deputy Mayor	None
2.10	Appointment of Members or Officers to outside bodies	None
2.11	Adopting an allowance scheme for Mayor or other members	None, but for members to be on the advice of Arun District Council panel
2.12	Changing the name of the Town Council	None
2.13	Deciding on honorary titles or awards	None
2.14	Making, amending, revoking, re-enacting or adopting Bylaws	None
2.15	To represent the view of the local community on matters of significance	None, unless specifically delegated to committee or officer
2.16	Power to make payments or provide other benefits in cases of fault or maladministration	<ul style="list-style-type: none"> • Policy & Resources Committee up to £1000
2.17	Appeals against any decision made on behalf of the Authority	<ul style="list-style-type: none"> • As set out in Personnel Policies and the Complaints Procedure
2.18	Co-option of a member of Council	None
2.19	Co-option of a non-councillor as a member of a committee	None
2.20	To approve the Annual Calendar of Meetings	None
2.21	Decisions on issues relating to Data Protection, Access to Information, Freedom of Information & Human Rights	<ul style="list-style-type: none"> • Strategic overview to Policy & Resources Committee & decisions to refuse or limit information requests within legislation. • Town Clerk to renew Data Protection Registration and make amendments if necessary and respond to routine requests for information
2.22	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 <ul style="list-style-type: none"> • In cases of urgency, the Town Clerk in consultation with two of: the Mayor, Deputy Mayor or Policy & Resources Chairman

2.23	<p>a. All powers of the Council in the case of a civil emergency</p> <p>b. All powers of the Council in the case of urgency</p>	<ul style="list-style-type: none"> • The Town Clerk in consultation with three of: The Mayor, Deputy Mayor, Policy & Resources Chairman or Community Engagement & Environment Committee Chairman • The Town Clerk in consultation with two of: the Mayor, Deputy Mayor or Policy & Resources Chairman, subject to reporting justification to the next Council meeting
2.24	Election issues and filling of vacancies	None
2.25	Power to direct as to the Custody of town documents	None
2.26	All duties of the Proper Officer under legislation, Standing Orders, Financial Regulations or Standing Orders for Contracts including issue of notifications and signing documents	<ul style="list-style-type: none"> • Town Clerk
2.27	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	<ul style="list-style-type: none"> • Town Clerk
2.28	Attendance at conference	None
2.29	To adopt general power of competence, Local Government Act 2011	None
3.	Personnel Issues	
3.1	To direct which post holders will be designated Proper Officer to the Council and Responsible Financial Officer	None
3.2	To determine the overall Staffing structure and approval of additional posts	<ul style="list-style-type: none"> • Policy & Resources Committee
3.3	Confirming the appointment of the Town Clerk	<ul style="list-style-type: none"> • Interviewing for, subject to confirmation by Council is delegated to Policy & Resources Committee & Mayor
3.4	Dismissal of Town Clerk	None
3.5	Other Personnel matters	<ul style="list-style-type: none"> • As set out in Terms of Reference for Policy and Resources Committee
3.6	Health & Safety Policy- General Statement & Organisation	<p>None</p> <ul style="list-style-type: none"> • Arrangements to Policy & Resources Committee
4.	Quality & Integrated Management	
4.1	Matters relating to Quality and Integrated Management and Local Council Award Scheme	<ul style="list-style-type: none"> • Policy & Resources Committee
4.2	Administration of the Complaints Procedure	<ul style="list-style-type: none"> • As set out in Complaints Procedure

<p>5. 5.1 5.2 5.3 5.4 5.5 5.6 5.7 5.8</p>	<p>Finance Authorisation of Payment of accounts. Approval of Annual Return & Statement of Accounts Approval of Banking Arrangements Approval of Orders for work, goods or services Audit arrangements Power to accept gifts, Local Government Act 1972, S139 and to borrow money Local Government Act 1972 Sch. 13 Power to participate in schemes of collective investment, Trustees Investments Act 1962, S11 Authority for capital expenditure not specifically included Budget</p>	<ul style="list-style-type: none"> • Council/ Policy & Resources Committee/ Town Clerk in accordance with Financial Regulations <p>None</p> <p>None</p> <ul style="list-style-type: none"> • Council/ Policy & Resources Committee/ Town Clerk in accordance with Financial Regulations <ul style="list-style-type: none"> • Town Clerk/ RFO to manage in accordance with Financial Regulations • Council to approve annual external audit report • Policy & Resources Committee to consider interim audit report, final internal audit report and any agree internal audit brief <p>None</p> <p>None</p> <p>None</p>
<p>6. 6.1 6.2 6.3</p>	<p>Land Power to acquire by agreement, to appropriate, to dispose of, Local Government Act 1972, S124, 126,127 Power to accept gifts of land, Local Government Act 1972, S139 Power to acquire land for open spaces, Public Health Act 1875, S164; Open Spaces Act 1906, S9 &10</p>	<p>None</p> <p>None</p> <p>None for acquisition</p> <ul style="list-style-type: none"> • Community Engagement & Environment Committee for maintenance & management
<p>7. 7.1 7.2</p>	<p>Delegated Services To take on services from other local authorities or public bodies (LGA 1972, S101, 111 & 112 or Localism Act 2011) or General Power To undertake services for another local authority or public body</p>	<p>None</p> <p>None</p>
<p>8. 8.1 8.2 8.3</p>	<p>Ethical Framework To approve Member & Officer codes of conduct and protocols To monitor and control the Council's Ethical Framework To approve dispensations</p>	<p>None</p> <ul style="list-style-type: none"> • Proper Officer to obtain declarations, give reminder annually and to act as necessary for Monitoring Officer • Mayor may obtain declarations of office in the absence of the Proper Officer <p>None, except in a case of urgency, Town Clerk in consultation with two of: the Mayor, Deputy Mayor or Policy & Resources Chairman, subject to reporting the justification to the next Council meeting</p>