

ALSAGER TOWN COUNCIL  
TOWN COUNCIL  
TERMS OF REFERENCE

	<b>14 Members of the Authority</b>	<b>Quorum: 5</b>
	<b>Function of Council</b>	<b>Delegation of Function/s</b>
<b>General Governance</b>		
1	Adoption and amendment of the Council's Corporate Strategy	None
2	Comments on Cheshire East Borough Council Community Plans	None
3	Observations on policy or strategy documents by any public body at local, national, regional or sub regional level	Reserved for Council, unless specifically delegated within the Terms of Reference of a particular committee
4	Approval and amendment of: <ul style="list-style-type: none"> <li>- Corporate Policies</li> <li>- Financial Policies</li> <li>- Personnel Policies</li> <li>- Environmental Policies</li> <li>- Social and Community Policies</li> <li>- Publicity, Marketing and Communication Policies</li> <li>- Committee Structure Terms of Reference</li> <li>- Publications Scheme</li> <li>- Allowances Scheme</li> <li>- Other policies not specifically delegated to a particular Committee</li> </ul>	None
5	Approval of Town Plan/Neighbourhood Plan	None
6	Adopting and changing the constitution, Standing Orders for Contract and Financial Regulations	None
7	Approving Annual Budget, Precept and Medium-Term Forecast	None
8.	Approval of eligibility of General Power of Competence	None
9	Any delegated decision which may mean a breach of Council Policy or Budget	None
10	Election of the Chairman, appointment of Vice Chairman and appointment of Chairmen of Committees, Sub-Committees and Working Groups	None
11	Agreeing and/or amending the Terms of Reference for Committees, deciding on their composition and making appointment to them	None
12	Appointment of Members or Officers to outside bodies	None
13	Members reporting back from outside bodies	Relevant Committee
14	Adopting an allowance scheme for members	None
15	Changing the name of the Town Council	None
16	Conferring the title of Honorary Freeman	None
17	Making, amending, revoking, re-enacting or adopting Bylaws,	None
18	To represent the view of the local community on matters of significance	None
19	Power to make payment or provide other benefits in cases of fault of maladministration	Finance Committee up to £1,000.
20	Appeals against any decision made on behalf of the Authority	As set out in Personnel Policies and the Complaints Procedure

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21	Decision on issues relating to General Power of Competence, Data Protection, Access to Information, Freedom of Information and Human Rights	None
22	To monitor and control the Council's Ethical Framework	Town Clerk to obtain declarations and complaints and to act as necessary for Monitoring Officer
23	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 and appeal against any court decision.	None  In the cases of urgency, the Town Clerk in consultation with of: Chairman, Vice Chairman
24	1. All powers of the Council in case of civil emergency  2. All powers of the Council in the case of urgency	The Town Clerk in consultation with two of: The Chairman, Vice Chairman and other Councillor  The Town Clerk in consultation with two of: The Chairman, Vice Chairman and other Councillor. Subject to reporting justification to the next Council meeting
25	Election issues and filling of vacancies	None
26	Power to direct as to the Custody of town documents	None
27	All duties of the Proper Officer and Responsible Financial Officer under legislation, Standing Orders, for Contract including the issue of notifications and signing documents	Town Clerk
<b>Personnel Issues</b>		
28	To direct which post holders will be designated Proper Officer to the Council and Responsible Financial Officer	None-but on recommendation of Personnel Committee.
29	To determine the overall staffing structure and approval of additional posts	None
30	Confirming the appointment of Town Clerk and RFO	The appointment, subject to confirmation by Council is delegated to Personnel Committee
31	Other Personnel Matters	As set out in Terms of Reference for the Personnel Committee.
32	Health and Safety – General Statement and Organisation	Council/Town Clerk
<b>Quality and Integrated Management</b>		
33	Conducting Best Value Reviews if appropriate	Finance Committee
34	Administration of the Complaints Procedure	As set out in Complaints Procedure
<b>Finance</b>		
35	Authorisation of Payment of Accounts	Council/Finance Committee/Town Clerk in accordance with Financial Regulations
36	Approval of Annual Return and Statement of Accounts	None
37	Approval of Banking Arrangements	None
38	Power to approve projects on recommendation from Standing Committees and to implement with or without budget	None

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39	Approval of debt write off	None. On recommendation from Finance Committee
40	Approval to vire budget headings	None. On recommendation from Finance Committee
41	Approval or Orders for work, goods or services	Council/Finance Committee/Town Clerk in accordance with Financial Regulations
42	Audit Arrangements	Town Clerk to manage in accordance with Financial Regulations  Council to approve annual internal and external audit report  Finance Policy and Governance Committee to consider interim audit report
43	Power to accept gifts, Local Government Act 1972, S139	None
44	Power to participate in scheme of collective investment, Trustees Investment Act 1961, S11	None
<b>Powers of all Committees</b>		
45	To arrange extra meeting	Town Clerk in consultation with Chairman
46	To monitor actions on minutes of the Committee	Committee
47	To manage services for which they are responsible within an approved budget and policy	Committee
48	To authorise spending/issue works orders within budgets delegated to a committee	Committee
<b>Land</b>		
49	Power to acquire by agreement, to appropriate, to dispose of land LGA 1972, S124, 126, 127	None
50	Power to accept gifts of land, LGA 1972, S139	None
51	Power to acquire land for open spaces, Public Health Act 1875, S164; Open Spaces Act 1906, S9 and 10	None for acquisition  Assets and Services Committee for maintenance
	N.B. Any non-financial action delegated to the Town Clerk may in his/her absence be undertaken by the Assistant Clerk after seeking relevant advice, if the matter cannot wait until the Town Clerk's return	NB Any financial action delegated to the Town Clerk may in his/her absence be undertaken by the Assistant Clerk after seeking relevant advice, if the matter cannot wait until the Town Clerk returns

**Definition of Strategic Overview**

That part of an initiative or service which is considered necessary to define Policy and Budget.

**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.