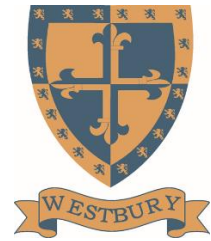


Westbury Town Council



SCHEME OF DELEGATION

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (the Town Clerk) and Standing Committees to act with delegated authority in the specific circumstances detailed.

This is a live document that will be updated as and when the Town Council resolve to delegate to a Committee.

Proper Officer and Responsible Financial Officer - Duties and Powers

1. Responsible Financial Officer

1.1. The Clerk to the Council 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. Proper Officer

2.1. The Clerk to the Council shall be the Proper Officer of the Council and as such is specifically authorised to:

- a) Receive declarations of acceptance of office and notices of pecuniary interest
- b) Receive and record notices disclosing interests
- c) Receive and retain plans and documents
- d) Sign notices or other documents on behalf of the Council
- e) Receive copies of bylaws made by a principal local authority
- f) Certify copies of bylaws made by the Council

- g) Draw up agendas usually after consultation with the relevant Committee Chair
 - h) Sign summons to attend meetings of the Council
- 2.2. In addition, the Clerk to the Council has the delegated authority to undertake the following matters on behalf of the Council:
- a) Day to day administration of services, together with routine inspection and control
 - b) Day to day supervision and control of all staff employed by the Council
 - c) Authorisation to call any extra meetings of the Council or any Committee as necessary, having consulted with the Mayor of the Council, and/or the Chairman of the appropriate Committee
 - d) Authorisation to respond immediately to any correspondence, requiring or requesting information or relating to previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its Committees
 - e) Authorisation of routine recurring expenditure within the agreed budget
 - f) Emergency expenditure up to £1,000 outside of an agreed budget
 - g) Authorisation of expenditure on maintenance works up to a maximum of £1,000
 - h) The Town Clerk, in consultation with the Chairman of the relevant Committee, has delegated power to take any action considered appropriate in a situation where the health and safety of public or staff is at risk
- 2.3. Delegated actions of the Clerk to the Council shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and in line with directions given by the Council from time to time

Council and its Committees - Duties and Powers

3. Council

- 3.1. The following are reserved matters for the Council to decide, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration. The council will delegate responsibility for consultation and licencing to the relevant committee as per the scheme of delegation but recognises it may be necessary for the council to respond to a deadline and move to the next available committee with agreement from the committee Chair & Clerk.

- a) Appointment of the Town Clerk / RFO following consideration being given to a recommendation from the Management Team
- b) Appointment of Data Protection Officer (DPO)
- c) Setting the Precept
- d) Borrowing money
- e) Approval of the Council's Annual Accounts and the Annual Return
- f) Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
- g) Making, amending or revoking bylaws
 - i. Making of orders under any statutory powers
- h) Appointment of all Standing Committees
- i) Matters of principle or policy including those recommended by the Finance, Highways Planning and Development or Policy & Resources Committee
- j) Noting of all minutes approved by Committees
- k) Nomination and appointment of representatives of the Council to any other authority, organisation or body
- l) Any proposed undertakings committing expenditure above £10,000 and that outside of Committee Budgets which may be a charge to General Reserves
- m) Responses to legislative and other allied consultations excluding those delegated to other committees, especially planning responses to Highways, Planning & Development committee.
- n) Prosecution or defence in a Court of Law other than an Employment Tribunal
- o) Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to a Committee
- p) Decisions with a view to the Council becoming eligible to exercise the General Power of Competence

3.2. Urgent matters:

- a) In the event of any matter arising which requires an urgent decision such as expenditure required but not provided for in the annual budget. The Clerk to the Council shall forthwith consult with the Mayor and/or Deputy-Mayor (and also with the Chairman and/or Vice-Chairman of the relevant committee) if the matter involves expenditure not provided for in the annual budget, and not covered by Finance Regulations
- b) Before the clerk exercises the delegated powers granted by the above paragraph, those members consulted shall consider whether the matter justifies summoning a special meeting of the council or appropriate committee
- c) Whenever any action is taken in this way, full details of the circumstances justifying urgent action shall be submitted in writing to the next available meeting of the committee concerned and/or council

4. Committees

- 4.1. The Policy and Resources, Finance, and Highways Planning and Development Committee shall be delegated to make decisions on behalf of the Council in the following matters:

The following matters are reserved to the Council for decision, but the Committee may make recommendations:

- a) Any funding required outside of, or above, the set budget in any given financial year
- b) Any other matter that has been delegated to it by the Council from time to time
- c) The Committee may refer specific matters to the Council for a final decision if it so wishes
- d) Approval of its Minutes as true and correct records

4.2 Policy and Resources Committee (P & R) shall be delegated to make decisions on behalf of the Council in the following matters:

- a) Approval of its Minutes as true and correct records

- b) The following groups report to the committee: - Business Planning, CCTV, Delegation of Services, Editorial, Emergency Planning, Events, Great War, Operations and Organisation and Website. Task & Finish - Youth Council
- c) All matters relating to policy and resources of the Council's affairs including, licencing applications excluding the final setting of a precept or any amount to be borrowed.
- d) Following consultation with all Task and Finish or Working Groups, to receive estimates from those groups for all budgets required by them to undertake any tasks with which they have been charged and to decide as to whether that budget is appropriate or legitimate to approve expenditure.
- e) The monitoring of all P&R budgets within the scope and remit of the committee on an ongoing basis, taking action where required to transfer unspent provision to ensure that the overall budget parameters are maintained
- f) Approval of expenditure on items within the Committee's area of responsibility and included in the approved Council budget up to the amount specified in the budget
- g) Corporate Management including matters of general policy ahead of recommendations to Full Council
- h) To ensure that all works carried out on the Council's properties have due regard to Health & Safety, Disability Discrimination Act and comply with all legislation in terms of public safety. Compliance still lies with the Town Council.

4.3. The Highways Planning and Development Committee (H, P & D) shall be delegated to make decisions on behalf of the Council in the following matters:

- a) Approval of its Minutes as true and correct records
- b) The following Groups report to the committee: - Streetscene, Play Areas and Town Improvement Group.
- c) To have delegated powers to make observations on all planning, highways, footpaths, and related matters and submit those observations to the appropriate authority. When necessary hold meetings with residents, developers or planning officers to assist with the formulation of those observations
- d) To respond to all consultations, and to take part in any discussions which could result in changes to the Local Plan, Planning Policy Statements, Town & Country Planning Act, Neighbourhood Plan etc

- e) The Chair in consultation with the Clerk to allow a presentation by a developer in support of a pre-planning application.
- f) The maintenance, improvement and general upkeep of all cemeteries, parks, gardens, play areas and open spaces within an agreed budget
- a) The Town Clerk, in consultation with the Chairman of the Committee, has delegated power to take any action considered appropriate in a situation where the health and safety of public or staff is at risk
- b) To receive estimates from the Town Clerk & RFO for the Amenities and Open Spaces budget to enable a considered recommendation to be made to the Finance Committee as laid down in Financial Regulation 2.1

The following matters are reserved to the Council for decision, but the Committee may make recommendations:

- a) Recommendation of the Committee's budget each financial year
- b) Any funding required outside of, or above, the set budget in any given financial year
- c) Any other matter which may be delegated to it by the Council from time to time
- d) The Committee may refer specific matters to the Council for a final decision if it so wishes.

4.3. The Finance Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- a) Approval of its Minutes as true and correct records
- b) The following groups report to Finance: - Internal Audit and Community Partnership Funding Working Group
- c) Management of the council finances, and value for money of all large expenditure items such as Events and CCTV but not exclusive to these. Not day to day expenditure which is the responsibility of the Town Clerk / RFO
- d) Approval of expenditure on items within the Committee's area of responsibility and included in the approved Council budget up to the amount specified in the budget

- a) The maintenance of a Fixed Asset Register covering all items purchased exceeding £1000. The safe custody and upkeep of all accoutrements and objects of interest or value in the ownership of the Council
- b) The administration of the charities which fall within the Town Council's jurisdiction.
- c) To review and set charges for use of open spaces (including burial and cemetery fees)
- d) To discuss all grant applications in accordance with the Grant Policy agreed criteria and guidelines which should be reviewed on an annual basis and make recommendations to Full Council for inclusion in the overall budget estimate
- e) Audit arrangements, including the selection and review of Internal Auditors
- f) Reviewing the Council's Financial Regulations / Standing Orders and Council policies in consultation with other Council Committees on an annual basis Recommendation of the Committee's budget and overall Council budget for each financial year
- g) To negotiate any changes to existing lease agreements, and confirm terms for all new lease agreements remaining mindful of the Council's financial responsibilities
- h) The maintenance and safe custody of the civic insignia and ceremonial dress

The following matters are reserved to the Council for decision, but the Committee may make recommendations:

- a) Recommendation of the Committee's budget each financial year
- b) Any funding required outside of, or above, the set budget in any given financial year
- c) Any other matter which may be delegated to it by the Council from time to time
- d) The Committee may refer specific matters to the Council for a final decision if it so wishes.

4.4. The Management Team are not mandated to make decisions but can ask the Clerk to take matters to Town Council

- a) Approval of its Minutes as true and correct records
- b) The recruitment and selection of all staff except for the Town Clerk / RFO

- c) The short listing of applicants for the post of Town Clerk and RFO with applications circulated to all Councillors
- d) To interview applicants for the post of Town Clerk / RFO and make recommendations to the Council thereon
- e) To consider and implement any changes that are required for the Council to comply with Employment Law, Health and Safety legislation and terms and conditions of service for all employees as set out in the Employees Handbook produced in consultation with the Council's Employment Law Advisors. *(This incorporates those conditions laid down in the National Joint Council (NJC "Green Book") and recommended by National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC))*
- f) To administer any discipline or grievance cases in accordance the Councils' adopted policies
- g) Prosecution or defence in any Employment Tribunal proceedings
- h) To ensure all staff appraisals are being carried out in accordance with Town Council policy
- i) To ensure that the Town Mayor carries out an annual appraisal of the Town Clerk
- j) To approve any changes to the terms and conditions of employment of employees of the council
- k) To approve changes to remuneration of any employee within the approved budget
- l) Any other matter which may be delegated to it by the Council from time to time
- m) The Team may refer specific matters to the Council for a final decision if it so wishes

**** It is vital that the Management Team keeps confidential its deliberations and decisions around individual staff matters***

5. Work Groups and Task and Finish Groups

- 5.1. A Standing Committee may if it believes that it would be appropriate, appoint a Sub-Committee. Any powers to be delegated to such a Sub-Committee may be detailed at the time the Sub-Committee is formed by means of a Minute detailing the Terms
- 5.2. Working Groups may be formed by resolution of the Council or a Committee at any time. The work of such a Working Group will be decided upon at the time it is formed by means of a minute detailing the Terms of Reference. Each Working Group will report back with recommendations to the Council or the Committee that formed it. A Working Group does not have decision-making powers. Non-Council members can be appointed to it. Its meetings are not open to the public. of Reference but such delegated powers must be approved by the Council

6. Delegation - Limitations

- 6.1 Committees and Sub-committees shall, at all times, act in accordance with the

Council's Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, bylaws or orders made and with any directions given by the Council from time to time. This does not apply to Working Groups

7. Attendance of Members at Committee meetings

- 7.1. All Councillors have an absolute right to attend any Committee meeting. The Chair of the Committee has at his absolute discretion the right to allow a non-member to speak but is encouraged to do so. As a courtesy and if possible, a non-member is required to notify the Chair in advance if they wished to speak on an agenda item. A non-member could make one statement per agenda item if invited by the Chair not to exceed 2 minutes. Any further participation in the meeting of a non-member is at the invitation of the chair. A non-member cannot vote.

All Councillors have the right to attend any Committee meeting. The Chair of the Committee can allow a councillor who is a non-member to speak and is encouraged to do so but this is at the Chairman's discretion. As a courtesy, a non-member is asked to notify the Chairman in advance when possible should they wish to speak on an agenda item. Statements by non-members should not exceed 2 minutes.

Further participation in the meeting by a non-member is at the invitation of the Chair.

- 7.2. The Council believes in open and transparent governance. However, a Committee has the right to exclude the press and public during any part of a meeting owing to the special or confidential nature of the business to be transacted. With the exception of meetings of the Management Team, where personal and individual issues are discussed, Councillors who are non-members of a Committee that has passed a resolution excluding the press and public have the right to remain in the meeting.

8. Call-in policy

- 8.1. A decision made by a standing committee under its delegated powers and passed for noting at a subsequent Town Council meeting can be debated (called in) as long as such a debate is added to the agenda in the normal way. Such a debate will not be considered a breach of the six-month rule as it is being considered by a different committee. The decision could be reversed but that decision will thereafter be subject to the six-month rule.