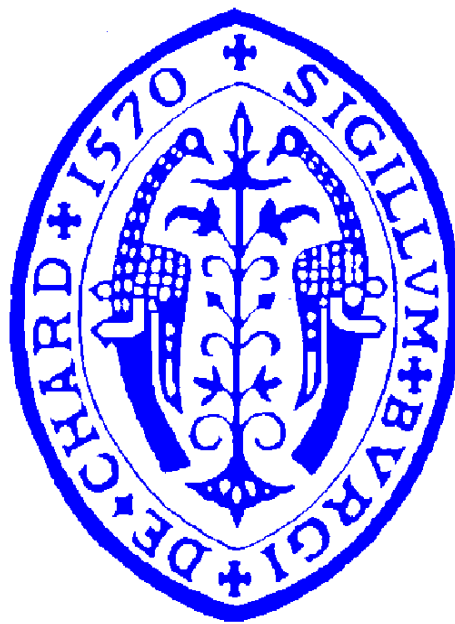


CHARD TOWN COUNCIL



SCHEME OF DELEGATION

Adopted by Full Council 14th November 2022

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The Council's scheme of delegation is an essential policy to enable the Council to function efficiently and effectively. Without this, every decision would have to be taken by the Full Council. Decision making powers are given to both Committees and Officers to enable the Council to react to circumstances and operate effectively.

Powers cannot be legally delegated to individual Councillors or Working Parties, including Task & Finish Groups. Working parties and Task & Finish Groups are ordinarily established to investigate and/or review a particular matter then report back to the relevant committee or Council with its findings, which may include recommendations.

This Scheme of Delegation 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.

1. Full Council

1.1 The following matters are reserved to the Full Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations in relation thereto for the Full Council's consideration.

- 1.1.1 Approving the Annual Budget and setting the Council's Precept
- 1.1.2 Approving the Annual Return and Audit of Accounts
- 1.1.3 Borrowing money, Hire Purchase and Leasing of tangible assets
- 1.1.4 Approving the Council's banking arrangements and determining and keeping under regular review the bank mandate for all Council accounts.
- 1.1.5 Writing off bad debts over £3,000
- 1.1.6 Acquiring or disposing of tangible moveable property with an estimated value exceeding £3,000
- 1.1.7 Acquiring or disposing of real property
- 1.1.8 Variations of contracts
- 1.1.9 Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
- 1.1.10 Addressing recommendations in any report from the internal or external auditors. These reports will initially be considered by the Finance & Audit Committee and reported to Full Council with recommendations for consideration and adoption.
- 1.1.11 Termination payments
- 1.1.12 Making, amending or revoking byelaws
- 1.1.13 Making of Orders under any Statutory powers
- 1.1.14 Appointing Standing Committees, their Chairs and Members

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- 1.1.15 Appointing Members to the Appeals Committee, for which 4 Members are required
- 1.1.16 Matters of principle or policy
- 1.1.17 Civic & Ceremonial activities/Local Democracy.
- 1.1.18 Electoral matters/Co-options
- 1.1.19 Nominating and appointing representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings)
- 1.1.20 Any proposed new undertakings
- 1.1.21 Prosecution or defence in a court of law.
- 1.1.22 Nominating or appointing representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.
- 1.1.23 Confirming eligibility to exercise the General Power of Competence.

Membership

- 1.2 Membership shall comprise all Members of the Council.

Quorum

- 1.3 A meeting will not be quorate unless at least 5 Members (one-third of the total number of Members) are present.

Meetings

- 1.4 Meeting shall be held bi-monthly in January, March, May, June, July, September and November and will be open to the public.
 - 1.4.1 The Town Clerk will issue a summons at least three clear days before the meeting, excluding the date of agenda publication and the date of the meeting, specifying the business to be transacted at the meeting.
 - 1.4.2 The Mayor, or in his absence the Deputy Mayor, must preside. If both are absent, those present will appoint another Member to preside.
 - 1.4.3 The Town Clerk, or alternative Council Officer, shall attend all meetings and shall be responsible for producing accurate minutes of the meeting.
 - 1.4.4 The Council will have the right to convene special meetings in accordance with the Council's Standing Orders.

Voting

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- 1.5 Every decision must be made by a majority of Members present and voting. The Chair carries the casting vote.

2. Delegation to Standing Committees

The following matters are delegated to the Council's Standing Committees to make decisions on behalf of the Council. Standing Committees are delegated plenary decision-making powers in respect of matters delegated. They must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

The Full Council may at any time, following resolution, revoke any delegated authority.

Standing Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to Full Council. Similarly, where a Standing Committee has no delegated power to make a decision it makes a recommendation to Full Council.

2.1 All Standing Committees

- 2.1.1 Creation and Appointment to Working Groups and Task & Finish Groups.
- 2.1.2 Appointment of non-Councillor members to Working Groups where they bring additional expertise or knowledge, subject to confidentiality arrangements consistent with those required of Councillors.
- 2.1.3 The Town Mayor and Deputy Town Mayor, if not members of a Committee in their own right, are ex-officio members of all Committees for the duration of their office, and have full voting rights. The ex-officio members will form part of the quorum of any Committee, if they attend. However, should they attend as an ex-officio member, they will not have to offer their apologies.

2.2 Finance & Audit Committee

Purpose

To ensure that the management and organisation of the finances of Chard Town Council are efficient, effective, open and transparent.

Key Responsibilities

All matters (except for creating Council Policy) relating to:

- 2.2.1 Considering annual budget requests of all Standing Committees for recommendation to Full Council
- 2.2.2 Monitoring the budget position on a quarterly basis
- 2.2.3 Approving and awarding grants and donations
- 2.2.4 Approving the annual Internal Audit Plan. Considering all Internal Audit reports, agreeing actions to address issues identified and following up those actions to ensure satisfactory resolution

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- 2.2.5 Approving the Council's Risk Management Strategy.
- 2.2.6 Approving write off of debts up to £3,000 (subject to the requirements of the Bad Debt Policy)
- 2.2.7 Reviewing all relevant Council policies and making recommendations to Full Council for approval
- 2.2.8 Investing in CCTV's to facilitate community safety
- 2.2.9 Approving the Council's Business Continuity Plan
- 2.2.10 Approving the Council's Information Security Strategy
- 2.2.11 Any other matter which may be delegated to it by the Council from time to time.

Membership

Membership shall consist of a minimum of five Members and a maximum of ten Members, as appointed by Full Council.

Quorum

A meeting will not be quorate unless at least one-third of the Members of the Committee are present, and in no case less than 3 Members, with at least one Officer in attendance.

Meetings

Meetings will be held on a quarterly basis. Additional meetings may be arranged if required.

Voting

Every decision must be made by a majority of Members present and voting. The Chair carries the casting vote.

2.3 Grants Sub-Committee

Purpose

Assessing and awarding Community Development Fund and Annual grants

Key Responsibilities

- 2.3.1 To assess Community Development Fund grants that meet the agreed criteria and make recommendations regarding awards to the Finance & Audit where funding is available within budget.
- 2.3.2 To assess Annual Grants that meet the agreed criteria and make recommendations regarding awards to the Finance & Audit where funding is available within budget.

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Membership

Membership shall consist of a minimum of five Members, as appointed by Full Council.

Quorum

A meeting will not be quorate unless at least 3 Members of the Committee are present, and with at least one Officer in attendance.

Meetings

Meetings will be held on a quarterly basis, as required. Grant applicants may attend to present their applications and answer questions from sub-committee members to ensure a thorough understanding of the applicant organisation and purpose of the grant support is obtained.

Voting

Every decision must be made by a majority of Members present and voting. The Chair carries the casting

2.4 Amenities & Events Committee

Purpose

To ensure that all community services, facilities and events are delivered, managed and maintained to a high standard and improved, where possible. To consider further development of the Council's estate and the development of other facilities.

Key Responsibilities

All matters (except for creating Council Policy) relating to:

- 2.4.1 Setting Guildhall hire charges, allotment rents, market rents, cemetery fees subject to approval of Full Council
- 2.4.2 Overseeing the maintenance, repair and continued improvement, where appropriate, of all the buildings owned by the Town Council
- 2.4.3 Overseeing the management and development of all play areas, open spaces, allotments, cemeteries, sports facilities and the war memorial.
- 2.4.4 Managing provision of bus shelters, street furniture, dog and litter bins.
- 2.4.5 Overseeing the management and development of events delivered by the Council in the Guildhall and the wider community
- 2.4.6 Authorising payments, relevant to the responsibilities of this committee, which are required to be made under the terms of any contract.

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2.4.7 Making recommendations to the Finance and Audit Committee for the annual budget to cover its area of responsibility.

2.4.8 Reviewing the Environmental Policy and the Emergency Plan.

2.4.9 Any other matter which may be delegated to the Committee by Full Council from time to time.

Membership

Membership shall consist of a minimum of five and maximum of ten Members, as appointed by Full Council.

Quorum

A meeting will not be quorate unless at least one-third of the Members of the Committee are present, and in no case less than 3 Members, with at least one Officer in attendance.

Meetings

Meetings will be held on a bi-monthly basis. Additional meetings may be arranged if required

Voting

Every decision must be made by a majority of Members present and voting. The Chair carries the casting

2.5 Planning & Highways Committee

Purpose

To make observations and submit comments to the Planning Authority on all planning applications and planning issues affecting Chard, including Development Briefs, Local Plans and Development Control. To undertake site visits where necessary. To make observations and submit comments on Highway Matters affecting Chard.

Key Responsibilities

All matters (except for creating Council Policy) relating to:

2.5.1 Responding as a consultee to any planning application or any consultation document related to planning

2.5.2 Responding as a consultee to tree works applications

2.5.3 Considering highways and traffic matters

2.5.4 Make recommendations regarding street naming with the town

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2.5.6 Making recommendations to the Finance and Audit Committee for the annual budget to cover its area of responsibility

2.5.7 Any other matter which may be delegated to the Committee by Full Council from time to time

Membership

Membership shall consist of a minimum of seven Members, as appointed by Full Council.

Quorum

A meeting will not be quorate unless at least one-third of the Members of the Committee are present, and in no case less than 3 Members, with at least one Officer in attendance.

Meetings

Meetings will be held on a monthly basis. Additional meetings may be arranged if required.

Voting

Every decision must be made by a majority of Members present and voting. The Chair carries the casting

2.6 Human Resources Committee

Purpose

To ensure the Council has adequate and effective human resources to enable efficient delivery of Council services.

Key Responsibilities

All matters (except for creating Council Policy) relating to:

2.6.1 Amending staff structure to reflect the Council's performance needs. Any requirements for additional budget in doing so must be recommended to Full Council

2.6.2 Authorising incremental pay rises following staff appraisals

2.6.3 Authorising permission for the Town Clerk to accept secondary employment

2.6.4 Authorising adjustments to employees Terms and Conditions of employment

2.6.5 Making arrangements to carry out the Town Clerk's annual appraisal

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- 2.6.6 Reviewing the Employment Policies and Procedures
- 2.6.7 Reviewing the Civic Protocol
- 2.6.8 Resolving all staff grievances unable to be dealt with by Officers in accordance with the Council's Grievance Policy. Agreeing financial resolutions within budget, or if over budget or unbudgeted making recommendations to Full Council.
- 2.6.9 Resolving all staff disciplinary matters unable to be addressed by Officers in accordance with the Council's Disciplinary Policy
- 2.6.10 Resolving all potential disciplinary matters relating to the Executive Officer, including commissioning external advisors and/or investigation in accordance with the provisions of the Council's Complaints and Disciplinary Policy
- 2.6.11 Any other matter which may be delegated to the Committee by Full Council from time to time.

Membership

Membership shall consist of a minimum of Six Members, as appointed by Full Council.

Quorum

A meeting will not be quorate unless at least one-third of the Members of the Committee are present, and in no case less than 3 Members, with at least one Officer in attendance.

Meetings

Meetings will be held three times a year in July, November and March. Additional meetings can be arranged if required.

Voting

Every decision must be made by a majority of Members present and voting. The Chair carries the casting vote.

2.7 Appeals Committee

Purpose

To consider appeals to decisions taken by other Standing Committees or Officers. The Committee cannot consider an appeal against a decision taken by the Full Council.

Key Responsibilities

- 2.7.1 Resolving all staff appeals concerning grievances or disciplinary matters

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2.7.2 Resolving all Freedom of Information Act appeals

2.7.3 Resolving appeals to decisions relating to complaints that the Officers have been unable to resolve

2.7.4 Resolving all appeals against decisions of policy

Membership

Membership shall consist of four Members, as appointed by Full Council

Members of the Committee must be different from those who consider grievance and disciplinary matters. Appointees to this committee are unable to sit on the Human Resources Committee.

Quorum

A meeting will not be quorate unless at least 3 Members are present.

Meetings

Meetings will be held as required.

Voting

Every decision must be made by a majority of Members present and voting. The Chair carries the casting vote.

Proper Officer and Responsible Financial Officer - Duties and Powers

3. Responsible Financial Officer

The 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.

4. Proper Officer

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

4.1.1 Receive declarations of acceptance of office;

4.1.2 Receive and record notices from Councillors disclosing interests;

4.1.3 Receive and retain plans and documents;

4.1.4 Sign Notices or other documents on behalf of the Council;

4.1.5 Receive copies of byelaws made by the District Council;

4.1.6 Certify copies of byelaws made by the Council;

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- 4.1.7 Sign and issue summonses to attend meetings of the Council.
- 4.1.8 Give public notice of the time, place and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them)
- 4.1.9 Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office
- 4.2 In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:
 - 4.2.1 The day to day administration of services, together with routine inspection and control.
 - 4.2.2 Day to day supervision and control of all staff employed by the Council.
 - 4.2.3 Authorisation of routine expenditure within the agreed budget.
 - 4.2.4 Emergency expenditure up to £5,000 outside the agreed budget.
- 4.3 Finally, the Town Clerk, as Head of Paid Service and Responsible Financial Officer, has delegated authority to:
 - 4.3.1 Day to day management of the Council's website and social media activities.
 - 4.3.2 Day to day management of all the support services team.
 - 4.3.3 Day to day management of all of the Council's Human Resources functions including payroll and finance.
 - 4.3.4 Preparation of financial and other relevant reports.
 - 4.3.5 Authorising expenditure within budgeted levels in areas of responsibility and those delegated by the Council.
 - 4.3.6 Proper administration of the Council's financial affairs.
 - 4.3.7 Report to External Auditor matters under Local Government Finance Act 1988 s114.
 - 4.3.8 Ensure compliance with Financial Regulations.
 - 4.3.9 Ensure compliance with all financial procedures.
 - 4.3.10 Determine accounting policies, records and control systems.
 - 4.3.11 Manage risk management of the Council.
 - 4.3.12 Arrange and manage the Council's insurance arrangements.
 - 4.3.13 Management of Council salaries in accordance with contracts of employment.

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4.3.14 Matters specifically delegated by Council or Committee.

4.4 Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.

5. Delegation to Officers

The following matters are delegated to the Council's Officers to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

The Council may at any time, following resolution, revoke any delegated authority.

Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to a Committee or the Council. Similarly, where Officers have no delegated power to make a decision, they report the matter to Committee or the Council for a decision.

The table below outlines the delegated responsibilities of the Town Clerk and the individuals to cover these in the absence of the Town Clerk:

5.1 Town Clerk

	Delegated Responsibility	Responsible in Absence
a.	The responsibilities and duties of the role of Proper Officer as set out within law and Council policies.	Operations Manager
b.	Issue all statutory notifications.	Operations Manager
c.	Receive Declarations of Acceptance of Office.	Operations Manager
d.	Receive and record notices disclosing pecuniary interests.	Operations Manager
e.	Receive and retain documents and plans.	Operations Manager
f.	Sign notices or other documents on behalf of the Council.	Operations Manager
g.	Receive copies of Bye-laws made by principal authority.	Operations Manager
h.	Certify copies of Bye-laws made by the Council.	Operations Manager
i.	Sign summons to attend meetings.	Operations Manager
j.	Ensure compliance with Standing Orders.	Operations Manager
k.	Manage all Town Council staff, either directly or indirectly.	Operations Manager
l.	Manage the provision of Council services, buildings, land and resources.	Operations Manager
m.	Incur expenditure in an emergency up to £5,000 whether budgeted or not.	Operations Manager

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n.	Act on behalf of the Council in an urgent situation and report back to the Council as soon as practical.	Operations Manager
o.	Deal with dispensation requests from Members under the Code of Conduct.	Operations Manager
p.	Deal with matters specifically delegated by Council or Committee.	Operations Manager
q.	Take all decisions relating to the training of Councillors & staff.	Operations Manager
r.	Appoint all employees in accordance with the Council's staff structure.	Operations Manager
s.	Authorise minor non-fiscal adjustments to contracts of employment and job descriptions to meet the needs of the Council.	Operations Manager
t.	Appoint casual / temporary members of staff as needed to meet the business needs of the Council and within existing budgets.	Operations Manager
u.	Authorise additional hours of work for existing staff on a temporary basis to support the business needs of the Council.	Operations Manager
v.	Deal with all disciplinary matters and hearings in accordance with the Council's Disciplinary Policy, including suspending employees as deemed necessary.	Operations Manager
w.	Responsible for the overall management of all budgets in accordance with Council policies.	Operations Manager
x.	Authorised to issue press releases on any Council activity exercised in accordance with Council policy.	Operations Manager
y.	Overall responsibility for Health & Safety across all Council owned sites.	Operations Manager
z.	Authority to amend/revise the representatives on outside bodies as and when necessary, where consensus is achieved (except at the beginning of each Municipal Year when this is done at the Annual Meeting).	Operations Manager
aa.	Matters specifically delegated within Council policies.	Operations Manager