



## **MELTHAM TOWN COUNCIL SCHEME OF DELEGATION & TERMS OF REFERENCE OF COMMITTEES**

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## 1. Introduction

This scheme of delegation and Terms of Reference for committees are not based on a model document but have been drafted to reflect the position at Meltham Town Council. They were adopted by Council on the 3 October 2022. Any subsequent changes to these must be detailed at Appendix A:

A scheme of delegation is essential to regulate the operation of a Council - documenting to whom the Council has agreed to grant a power to take a decision on behalf of the Council. This Scheme of Delegation authorises the Proper Officer, Clerk and Responsible Financial Officer and Standing Committees of the Council to act with delegated authority in the specific circumstances detailed. The terms of reference of committees set out in broad terms what the Council has agreed the remit of each committee is to be, how many times a year it should meet (as a minimum) and its membership and quorum. For the avoidance of doubt, no individual Councillor has the power to take decisions on behalf of the Council nor seek to bind the Council.

The Council has four standing committees, which are:

- Communications and Events
- Personnel and Councillor Development
- Planning, Environment & Amenities
- Properties, Finance, Administration & General Purposes

If an item under discussion is within the Committee's delegated powers the minutes will record the decision as **RESOLVED**. If the matter is not within the Committee's delegated powers the minutes will record the decision as **RECOMMENDED** and it will then be brought to the attention of the Council for a decision. It is not necessary for the Council to ratify Committee decisions where a delegation applies. In cases where it is not clear whether a decision is within the Committees delegated powers the Committee should make a recommendation to Council.

Any Committee, the Proper Officer, Clerk and Responsible Financial Officer may refer specific matters to the Council for a final decision if they so wish notwithstanding the existence of a delegation to take that decision.

Delegations shall, at all times, be exercised in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, By-laws or orders made and with any directions given by the Council from time to time

### Drafting notes

Some of the matters reserved to full Council and some of the matters listed under Proper Officer / Responsible Financial Officer are legal and statutory requirements. They should not be altered unless the legal position changes. For convenience, the word 'councillor' is used and, unless the context suggests otherwise, includes a non-councillor with or without voting rights. The term 'Chair' and 'Vice Chair' have been used throughout but shall have the same meaning as 'Chairman' and 'Vice Chairman'. The terms 'their' and 'they' have been used throughout but shall have the same meaning as 'his' and 'he'. The term Chair of Finance shall mean the Chair of the Properties Finance Administration and General Purposes Committee. Finance Committee shall mean the Properties Finance Administration and General Purposes Committee.

## **2. Responsible Financial Officer, Proper Officer and Town Clerk**

- To receive declarations of acceptance of office
- To receive and hold a copy of every councillor's register of interests
- To receive dispensation requests
- To sign notices or other documents on behalf of the Council
- To receive copies of by-laws made by a principal local authority
- To certify copies of by-laws made by the Council
- To draw up agendas
- To sign summonses to attend ordinary meetings of the Council
- To respond to requests made under the Freedom of Information/Environmental Information Regulations legislation.
- To arrange and call all meetings of the Council and its Committees
- Day to day administration of services, together with routine inspection and control.
- Day to day instruction to Council contractors
- Day to day decisions to implement Council policy or to give effect to resolutions passed by the Council
- Authorisation to call any extra meetings of the Council or any Committee as necessary, having consulted with the Chair and/or the Chair of the appropriate Committee.
- 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.
- Responsibility for all contact with the media, including the content and issue of press releases, following agreed procedures and in consultation with the Chair of the Communications and Events Committee where possible.
- To recruit, appoint and manage such staff as agreed by Council
- To approve own attendance on training courses up to a cost of £300.00 per annum with feedback being provided to Council on any training attended
- To approve attendance on training sessions provided by NALC /YALC for any councillor requesting to attend subject to available budget
- Responsibility for the Town Council's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time
- To administer the Councils financial affairs in accordance with all Acts, Regulations, and proper practices
- To determine on behalf of the Council its accounting records and accounting control systems
- To ensure the accounting control systems are observed
- To maintain the accounting records of the Council in accordance with proper practices
- To assist the Council to secure economy, efficiency and effectiveness in the use of its resources
- To produce financial management information as required by the Council
- To authorise revenue expenditure up to £500.00 up to the amount included for that class of expenditure in the approved budget
- To authorise revenue expenditure up to £1250.00 in consultation with the Chair and Chair of Finance up to the amount included for that class of expenditure in the approved budget

- To authorise emergency revenue expenditure up to £2000.00 which in the Clerks judgement it is necessary, including any repair, replacement, or other work, whether or not there is any budgetary provision for the expenditure, in consultation with the Chair and Chair of Finance
- To authorise capital expenditure for any items up to £500 for day-to-day administration or replacement of existing items
- To authorise capital expenditure for any items up to £1250.00 in consultation with the Chair and Chair of Finance subject to being satisfied that the necessary funds are available, and the requisite borrowing approval has been obtained
- To authorise expenditure if a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, where the Clerk certifies that there is no dispute or other reason to delay payment
- To authorise fund transfers within the Councils banking arrangements up to the sum of £10,000,
- To authorise any payment where the expenditure has previously been authorised in accordance with financial regulation 4
- To make any payment which has been authorised under financial regulation 5 by BACS subject to the transaction being approved by one of the Council's appointed Approvers
- To make any payment which has been authorised under financial regulation 5 by Debit Card in circumstances where a BACS payment is not possible. For debit card payments over £500 this is subject to the transaction being approved by one of the Council's appointed Approvers by email confirmation to the Clerk before the payment is made.

#### Urgent Matters

- In the event of any matter arising which requires an urgent decision or where Council/committees are unable to meet the Clerk has delegated authority to act on behalf of the Council in consultation with the Chair or other relevant Committee Chairs.
- Before exercising the delegated power granted by the above paragraph the Town Clerk and those members consulted shall consider whether the matter justifies the summoning of an extra ordinary meeting of the Council or appropriate committee
- Whenever any action is taken in this way, full details of the circumstances justifying the action must be submitted in writing to the next available meeting of the Committee concerned and /or Council.
- 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.

### **3. Matters reserved to Council**

The following matters are reserved to the full Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration.

#### Financial matters

- Setting the final budget and the precept.
- Approving changes in ear marked reserves as part of the budgetary control process.

- Approving the annual accounts.
- Approving the annual accounting statements and the annual governance statement and completion of the annual return.
- Borrowing.
- Writing off bad debts.
- Setting any fees and charges.
- Reviewing annually the effectiveness of its system of internal control prior to consideration of the annual governance statement.
- Approving during the budget year (having considered fully the implications for public services), the virement of unspent and available amounts to other budget headings or to an earmarked reserve.
- Determining and keeping under regular review the bank mandate for all Council bank accounts.
- Approving any grant expenditure within any limits set by Council and in accordance with any policy statement approved by Council.
- Authorising expenditure for the year regarding due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like.
- Approving all expenditure in excess of £1,250 except where the Clerk has a delegation.
- Addressing recommendations in any report from the internal or external auditors
- Authorising expenditure that will exceed the amount provided in the revenue budget for that class of expenditure
- Approval of the Council's banking arrangements, including the bank mandate.
- Authorising variable direct debit expenditure for the year for utility supplies (e.g., energy, telephone and water) and any National Non-Domestic Rates.
- Authorising termination payments supported by a clear business case.
- Authorising the employment of interim staff following consideration of a full business case.

#### Governance and other matters

- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
- Making, amending or revoking By-laws.
- Making of Orders under any statutory powers.
- Approving and adopting matters of principle or policy
- Nominating and appointing representatives of the Council to any other authority, organisation or outside body (excluding conferences, events or meetings).
- Making any proposed new undertakings.
- Prosecuting or defending in a court of law.
- Nominating or appointing representatives of the Council at any inquiry on matters affecting the Town Council.
- Adopting the Council's Code of Conduct.
- Adopting the Council's Complaints Procedure.
- Matters relating to Councillor Vacancies.
- Approving an annual schedule of meetings.

- Declaring eligibility for the General Power of Competence.
- Appointment of the Town Clerk considering the recommendations of the Personnel and Councillor Development Committee.
- Appointment of all Standing Committees.
- Approving as an accurate record minutes of previous Council meetings and noting all minutes approved by Committees.
- Responding to legislative and other consultations.
- The setting of conditions of service and staff levels but in respect of the annual salary for any employee to have regard to the recommendations about annual salaries of employees made by the Personnel and Councillor Development committee in accordance with its terms of reference.
- To appoint from its membership three members to hear any appeal by the Clerk to a decision of the Personnel and Councillor Development Committee against the outcome of a grievance or disciplinary investigation undertaken by the Committee. No member of the Personnel and Councillor Development Committee shall be appointed to hear an appeal.

#### **4. Communications and Events Committee**

##### Overall purpose

The Communications & Events Committee's responsibilities are

- To ensure effective two-way communication and engagement, via a variety of measures, to encourage people to take an interest in what the Council is doing and to actively seek out the views of the community on a regular basis.
- To promote the social and cultural life of Meltham and delivery of other agreed Council objectives by organising and supporting community events.
- To ensure communications and events activities support the delivery of agreed Town Council objectives.

##### Membership

The Committee shall comprise of not less than 4 members and the quorum shall be 3.

##### Frequency of meetings

The Committee shall meet not less than twice a year.

##### Delegations

The Communications & Events Committee have been granted by Council the power to make decisions on behalf of the Council in relation to the following matters:

- To approve the Committee's Minutes as true and correct records.
- To receive and grant disclosable pecuniary interest dispensations; details of all dispensations received to be reported back to the Council, at the next available meeting.
- To prepare recommendations for consideration by the Properties, Administration, Finance and General Purposes Committee no later than October each year for the following years' Communications and Events spend to assist the Finance Committee formulate recommendations for Council on the following years budget.
- To create and update a consistent corporate identity to be used on Town Council publications and communications.
- To develop and review all Council policies / procedures relevant to the remit of this Committee (including press and social media) and make recommendations to Council for their adoption.
- To arrange the production and distribution of the Council's newsletter
- To make arrangements for the provision and maintenance of the Town Council's website, review its content and update as required.
- To ensure the provision and updating of notice boards at specific locations to promote Town Council meetings and initiatives.
- To keep under review press and social media activity relevant to the activities of Town Council and its reputation.
- To plan and organise the delivery of Town Council events in line with agreed budgets.
- To agree the arrangements for Town Council representation at other organisations' community events – e.g., approval of displays, arrangement for tending stands, etc.
- To plan and oversee the delivery of public engagement and consultation exercises approved by Council and to report back to Council the outcomes and evidence from such activities with appropriate recommendations.



- To organise public meetings to inform residents of major issues affecting the Town and to promote further engagement of the public in the work of the Council
- To plan, manage and deliver targeted communications campaigns agreed by Council and in line with agreed budgets to achieve specific objectives – e.g. dog fouling campaign - and to review their effectiveness based on relevant evidence.
- Any other matter which may be delegated to it by the Council from time to time.

## **5. Personnel and Councillor Development Committee**

### Overall purpose

The Personnel and Councillor Development Committee's responsibilities are:

- To consider staffing issues including recruitment, staff management, development, welfare and succession planning.
- To ensure the Council meets its statutory obligations with respect to employment law.
- To consider Councillor development issues including induction of new councillors and ongoing Councillor training and development

### Membership

The Committee shall comprise of not less than 4 members and the quorum shall be 3.

### Frequency of meetings

The Committee shall meet not less than twice a year.

### Delegations

The Personnel and Councillor Development Committee have been granted by Council the power to make decisions on behalf of the Council in relation to the following matters:

- To approve the Committee's Minutes as true and correct records.
- To receive and grant Disclosable Pecuniary Interest dispensations; details of all dispensations received to be reported back to the Council, at the next available meeting.
- To prepare recommendations for consideration by the Properties, Administration, Finance and General Purposes Committee no later than October each year for the following years' personnel and councillor development spend to assist the finance Committee formulate recommendations for Council on the following years budget.
- To advertise a vacancy and short list applicants for the post of Town Clerk/ Responsible Finance Officer (RFO). The successful short-listed applicants to be interviewed by the Personnel and Councillor Development Committee. A recommendation from the Personnel and Councillor Development Committee will be submitted to full Council regarding the appointment of the Town Clerk/RFO.
- To approve the Town Clerk's annual review and appraisal, to be undertaken by the Chair of the Personnel and Councillor Development Committee or in their absence the Vice-Chair and to report back to Council the outcome of the Town Clerk's annual appraisal.
- To monitor requests for annual leave (which shall be administered on a day-to-day basis by the Personnel and Councillor Development Chair).
- To monitor any sickness absences taken by the Clerk (sickness absences to be reported on a day-to-day basis to the Personnel and Councillor Development Chair).
- To discuss with the Town Clerk any issues regarding workloads and to recommend to Council overtime or changes in contractual hours as necessary.
- To review the Clerks salary annually (ensuring that national pay awards and increments are accounted for) and discuss with the Town Clerk any issues regarding re-grading, pay levels and make recommendations to the Town Council.
- To support the Town Clerk in the appointment and management of any staff
- To discuss with the Town Clerk any issues regarding staffing structures or staffing levels and make recommendations to the Town Council.

- To agree and keep under review all staff contracts, job descriptions / person specifications and terms and conditions and make recommendations to Council as appropriate.
- To develop and review all Council policies / procedures relevant to the remit of this Committee (including training and development) and make recommendations to Council for their adoption.
- To act as a disciplinary panel in respect of the Clerk and as an appeals panel in the case of any appeal against disciplinary action taken by the Clerk.\*
- To hear any formal grievance made by the Clerk and any appeal by other staff against the outcome of a grievance investigation undertaken by the Clerk. \*
- To keep under review health and safety at work for all Council employees.
- To ensure the Council complies with all legislative requirements relating to the employment of staff.
- To ensure that confidentiality is maintained over all staffing matters under the Data Protection legislation, other relevant legislation and the Code of Conduct by all members of the Council.
- To regularly review the situation with contractors to ensure that they are legitimately self-employed and not at risk of becoming employees for tax purposes
- To oversee a programme of activities for councillor induction and ongoing development.
- Any other matter which may be delegated to it by the Council from time to time.

\*It is vital that the Personnel and Councillor Development Committee keeps confidential its deliberations and decisions in cases of Grievance, Disciplinary and Capability hearings, because if an Appeal against a decision is received it must, legally and in the interests of fairness, be heard again by elected members with no prior knowledge of the case.

In order to ensure as far as possible that such matters as Appraisal, Grievance, Disciplinary and Capability issues are dealt with professionally and in accordance with Employment legislation, all Members of the Staffing Committee should consider whether they require training in these matters.

## **6. Planning, Environment and Amenities Committee**

### Overall purpose

The Planning, Environment and Amenities Committees responsibilities are:

- To oversee planning, licensing, environmental issues, amenity and highway matters and public transport
- To oversee the maintenance, management, and improvement issues regarding Robert Ashton Memorial Park
- To consider and comment on every planning application within the Town Council area.

### Membership

The Committee shall comprise of not less than 5 members and the quorum shall be 3.

### Frequency of meetings

The Committee shall meet every few weeks throughout the year as agreed at the annual meeting

### Delegations

The Planning, Environment and Amenities Committee have been granted by Council the power to make decisions on behalf of the Council in relation to the following matters:

- To approve the Committee's Minutes as true and correct records.
- To receive and grant disclosable pecuniary Interest dispensations; details of all dispensations received to be reported back to the Council, at the next available meeting.
- To prepare recommendations for consideration by the Properties, Administration & Finance Committee no later than October each year for the suggested spend for the following year with regard to matters within the remit of the committee including
  - improvements and initiatives for the town
  - the maintenance, management and improvement of allotment sites and Robert Ashton Memorial Parkto assist the finance Committee, formulate recommendations for Council on the following years budget.
- To develop and review all Council policies / procedures relevant to the remit of this Committee (including park use, trees) and make recommendations to Council for their adoption.
- To comment on planning and licence applications where the Council is consulted and to object or oppose an application if appropriate.
- To make written representations or to elect a member of the committee to attend the hearing where an application is subject to an appeal.
- To make recommendations to the Council regarding a response to any consultation falling within its remit including land development (e.g., Local Plans, Structure Plans, Mineral Plans, Waste Plans, Regional Plans) and any other plans or studies as considered appropriate and footpath diversions, modifications or adoptions.
- To make appropriate representations on behalf of the Council to the relevant agency in relation to matters falling within its remit including:
  - enforcement issues
  - litter

- dog fouling
- grass verges
- pavements
- roads
- recycling
- rights of way
- signs on the highway.
- street furniture (e.g., litter bins, bus shelters, dog bins)
- drainage, cleaning, ditches etc.
- crime and anti-social behaviour
- public transport
- highways
- speeding issues
- To suggest names for new streets
- To co-ordinate the production, with the community, of any Neighbourhood Plan.
- To oversee the maintenance and upkeep of all public seats, stone boundary markers and adopted phone boxes in the Council's ownership and to make recommendations to Council
- To oversee the grounds maintenance contract and other contracts in connection with the park.
- To oversee actions that enhance the town e.g., Christmas decorations, defibrillators, planters and make recommendations to Council where appropriate
- To develop community projects and facilitate other organisations' initiatives within the remit of the Committee and make recommendations to Council
- To oversee the arrangements for CCTV provision as agreed by Council.
- To oversee the arrangements for youth facilities and projects as agreed by Council.
- To consider and determine requests from community groups and others to use of the Council's assets, such as Robert Ashton Memorial Park, for social and cultural events/activities in accordance with any policy adopted by Council
- Any other matter which may be delegated to it by the Council from time to time.

## **7. Properties Finance, Administration & General Purposes Committee**

### Overall purpose

The Properties, Finance, Administration and General Purposes Committee responsibilities are:

- To ensure sound financial management and monitor the financial administration of the Council
- To ensure the effective management of all Council buildings, land, and resources
- To consider the Council's strategic and corporate development
- To deal with all matters relating to the general day to day administration of the Council which do not specifically fall under the remit of another Committee

### Membership

The Committee shall comprise of not less than 6 members and the quorum shall be 3.

### Frequency of meetings

The Committee shall meet at least quarterly throughout the year as agreed at the annual meeting

### Delegations

The Properties, Finance Administration and General Purposes Committee have been granted by Council the power to make decisions on behalf of the Council in relation to the following matters:

- To approve the Committee's Minutes as true and correct records.
- To receive and grant Disclosable Pecuniary Interest dispensations; details of all dispensations received to be reported back to the Council, at the next available meeting.
- To ensure the effective management of all Council buildings including ensuring adequate provision is made for their repair and maintenance
- To consider the arrangements for the leasing of space for Council meetings and Council office/storage space and make recommendations to Council.
- To keep under consideration the sustainability of essential community assets in Meltham for use by the community.
- To oversee the management of the Council's tenancies, rent reviews and tenancy agreements.
- To oversee the management, regulation and control of allotments provided by the Council and make recommendations to Council from time to time on the fees to be charged, demand and availability of allotments and changes to the allotment tenancy agreement
- To keep under review and make recommendations to Council regarding the Councils Risk Management Strategy and Risk Register.
- To ensure adequate financial controls are in place to utilise and protect the Council's finances and assets including insurance of buildings and property and maintenance of the asset register.
- To review and annually and make recommendations to Council on any amendments to the Council's Standing Orders and to ensure that the Council is observing those standing orders.

- To review and annually and make recommendations to Council on any amendments to the Council's Financial Regulations and to ensure that the Council is observing the regulations.
- To collate information and conduct regular reviews of the Council's 4-year plan and to make recommendations to Council as required.
- To develop and keep under review the setting of appropriate criteria for grant awards by the Council ensuring that they reflect the priorities identified in the Council Plan and make recommendations to Council.
- To develop and review all Council policies / procedures relevant to the remit of this Committee or which do not fall within the remit of another committee and make recommendations to Council for their adoption.
- To oversee all matters relating to Freedom of Information/Environmental Information Regulations, Data Protection and Management/ Retention of Documents.
- To oversee arrangements for civic activities, local democracy, the Civic Regalia and Honours' Board.
- To oversee arrangements for any emergency planning issues in the Town.
- To prepare recommendations for consideration by the Committee no later than October each year for the suggested spend for the following year with regard to matters within the remit of the Committee to assist with the formulation of recommendations for Council on the following years budget.
- To recommend to the full Council the annual budget and the annual precept to be levied.
- To regularly monitor income and expenditure and to make any recommendations to the Council.
- To monitor the financial management of the Council's affairs and make recommendations to Council as appropriate.
- To make recommendations to Council on capital programmes, new initiatives or the establishment of funds for future responsibilities and liabilities.
- To ensure that the RFO prepares the accounts of the Council and arranges their internal and external audits.
- To monitor the administration and review of day-to-day financial matters including internal audit of the Council's income and expenditure.
- To conduct an annual review of the effectiveness of the internal audit and make recommendations to Council.
- To review each year the effectiveness of its system of internal control which shall be in accordance with proper practices and make recommendations to Council
- To receive reports from the Chair and Chair of Finance as to the verification of the bank reconciliations for the Council's current account produced by the Clerk and any issues or irregularities.
- To review the monthly schedule of receipts received (produced by the Clerk) and to note the schedule of receipts by resolution.
- To review the monthly schedule of payments made and authorised by the Clerk under Regulation 5 of the Financial Regulations and where satisfied shall ratify the payments authorised by the Clerk under that delegated power by resolution of the Committee.
- To receive advice from the RFO on all aspects of finance and financial regulations, including the investment of both operating and capital balances and any transfer into and out of the capital fund (such transfers to be subject to agreement by the full Council).

- To keep under review the provision and management of ICT including the replacement of outdated equipment and purchase of new equipment and make recommendations to Council.
- To ensure the Council is obtaining value for money by reviewing its arrangement for utilities from time to time
- To make recommendations to the full Council, with regards to the transfer of funds from and to a particular operating budget.
- Any other matter which may be delegated to it by the Council from time to time.



## **8. Working Groups/ Steering groups**

Working/Steering Groups may be formed by resolution of the Council or a Committee at any time. The work of such a Working/Steering Group will be decided upon at the time it is formed or at the next meeting of the Council/Committee by means of a Minute detailing the Terms of Reference. Each Working/Steering Group will report back with recommendations to the Council or the Committee that formed it. Working groups do not in law have the power to take decisions on behalf of the Council nor seek to bind the Council.

Any Working/Steering Group can arrange its own meeting dates and times, to suit the Group Membership

**Changes to Scheme of Delegation / TOR must be detailed below      Appendix A**

Description of change	Reference Number of amended item	Minute of Council resolution authorising the Change	Date of Council meeting