

DELEGATION SCHEME

WARE TOWN COUNCIL



What's in the Policy:

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.

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May 2023

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SCHEME OF DELEGATION

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. Proper Officer

1.1. The Town Clerk is designated and authorised to act as Proper Officer of the Council for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of Proper Office, and as such is specifically authorised to:

- 1.1.1. Receive declarations of acceptance of office.
- 1.1.2. Receive and record notices disclosing personal and prejudicial interests.
- 1.1.3. Receive and retain plans and documents.
- 1.1.4. Sign notices or other documents on behalf of the Council.
- 1.1.5. Receive copies of by-laws made by the District or County Council.
- 1.1.6. Certify copies of by-laws made by the Council.
- 1.1.7. Sign summonses to attend meetings of the Council.

1.2. In addition, the Town Clerk has delegated authority to undertake the following matters on behalf of the Council:

- 1.2.1. The day to day administration of services, together with routine inspection and control.
- 1.2.2. Day to day supervision and control of all staff employed by the Council.
- 1.2.3. Authorisation of routine expenditure within the agreed budget.
- 1.2.4. Emergency expenditure of up to £10,000 outside the agreed budget.
- 1.2.5. To take any proceedings or other steps to enforce and recover any debt owing or other obligation to the Council.

- 1.2.6. To institute, defend and appear in any legal proceedings authorised by the Council.
 - 1.2.7. To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the residents of Ware).
 - 1.2.8. To alter the date or time of a Council/committee meeting but, before doing so, shall consult with the relevant Chairman about the need for the change and about convenient alternative dates and times.
 - 1.2.9. To decide the arrangements for the closure of the Council offices in the Christmas/ New Year period, subject to consultation with the Mayor.
 - 1.2.10. To manage the Council's facilities and assets.
- 1.3. The Town Clerk is given delegated authority to manage the Council staff in accordance with the Council's policies, procedures and budget including:
- 1.3.1. The employment of temporary employees.
 - 1.3.2. The employment of replacement employees.
 - 1.3.3. The employment of other permanent employees in conjunction with the HR Committee.
 - 1.3.4. Control of staff performance and discipline, including the power of temporary suspension from duties.
 - 1.3.5. Monitoring, management and reporting of regular or sustained staff absence.
 - 1.3.6. Payment of expenses and allowances in accordance with the Council's agreed policies.
 - 1.3.7. To present to the HR Committee recommendations for employees' increments in accordance with the Council's staff appraisal system.
 - 1.3.8. The Town Clerk will also report on HR matters to the HR Committee.
- 1.4. Delegated actions of the Town Clerk shall be in accordance with the Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.

2. Responsible Financial Officer

- 2.1. The Responsible Financial Officer to the Council shall be responsible for the Town Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

3. Council

- 3.1. The following matters are reserved to the Council for decision, notwithstanding that the appropriate committee(s) may make recommendations for the Council's consideration:

- 3.1.1. Setting the precept
- 3.1.2. Borrowing money
- 3.1.3. Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
- 3.1.4. Making, amending or revoking by-laws.
- 3.1.5. Making of orders under any statutory powers.
- 3.1.6. Matters of principle or policy.
- 3.1.7. Nomination and appointment of representatives of the Council to any other authority, organization or body (excepting conferences or approved meetings).
- 3.1.8. Any proposed new undertakings.
- 3.1.9. Prosecution or defence in a court of law.
- 3.1.10. Nomination or appointment of representatives of the council at any inquiry on matters affecting the Town, excluding those matters specific to a committee.
- 3.1.11. Consideration of larger planning applications, ie developments of more than one new dwelling or for new retail or employment developments. An additional Council meeting may be convened if required in order to meet the deadline for response.

4. Committees

- 4.1. Members will be advised by the Town Clerk whether or not a particular item under discussion is within the Committee's delegated powers. The minutes will then record the decision as "**Resolved**".
- 4.2. If the matter is not within the Committee's delegated powers, then the minutes will show the decision as "**Recommended**", and the matter will be brought to the Council's particular attention by the Chair of the Committee at the next meeting of the Council. This item can be discussed in full by the Town Council. Where a committee Chair or Vice Chair is unsure whether or not any matter falls within delegated powers, or whether or not any matter should be determined by them, they should refer the matter to the Council. A delegated power does not always need to be exercised.
- 4.3. The **Finance & Policy Committee** has delegated powers within the term of reference and within the current financial year's budget. The Committee shall consider and determine the following matters:
 - 4.3.1. To consider all matters relating to the income and expenditure of the Council including charges and recommendations made by other committees and the best use of the Council's resources.
 - 4.3.2. To consider annual estimates of income and expenditure and recommend to the Council the amount of precept to be levied by the Town Council.

- 4.3.3. To review financial reports showing income and expenditure against budget and bank balances held at least quarterly.
- 4.3.4. To review the draft Annual Governance Statement and Annual Return prior to submission to Council.
- 4.3.5. To review annually the scale of charges for Council services prior to consideration of the annual budget.
- 4.3.6. To consider and review all policies for approval by the Council which do not come into the remit of another committee.
- 4.3.7. To consider large scale grants

4.4. The **Community & Environment Committee** has delegated powers within the term of reference and within the current financial year's budget. The shall consider and determine the following matters:

- 4.4.1. To organize and encourage events to increase the vibrancy and community spirit of the town.
- 4.4.2. To promote community and other initiatives to improve the economic wellbeing of the town.
- 4.4.3. To encourage the provision of facilities for young people.
- 4.4.4. To consider matters relating to health and wellbeing in the town.
- 4.4.5. To consider grant applications from local organisations.
- 4.4.6. To consider and comment on environmental matters affecting the town.
- 4.4.7. To consider and comment on highway matters affecting the town.
- 4.4.8. To oversee street furniture in the town owned by the town council.
- 4.4.9. To consider all matters relating to the Council as a burial authority.
- 4.4.10. To consider all matters relating to the Council's allotments.

4.5. The **Human Resources Committee** shall consider and determine the following matters:

- 4.5.1. To review personnel policies recommended by the Town Clerk and recommend such policies to the Council for adoption.
- 4.5.2. Periodically to review remuneration policy and make recommendations to Council.
- 4.5.3. Note that the remit of the HR Committee will not include the appointment of replacement staff which is delegated to the Town Clerk. The appointment of the Town Clerk will be made by the Council or a separate panel set up for that specific purpose by the Council.
- 4.5.4. To carry out the Town Clerk's appraisal (to be carried out by the Chair of the Committee).
- 4.5.5. To consider the Town Clerk's annual increment.
- 4.5.6. To carry out grievance and disciplinary hearings following investigation if required.

4.5.7. To make members available to members of staff who do not wish to raise an issue with the Town Clerk.

4.6. A committee may refer matters on which it has delegated authority to the Council for a final decision if it so wishes.

5. Sub Committees

5.1. Sub-committees may be formed by resolution of the Council at any time under Standing Order 4 and delegated powers may be decided upon at the time the sub-committee is formed by means of a minute detailing the terms of reference.

6. Working Groups/ Parties

6.1. Working groups/ parties may be formed by resolution of the Council or a committee at any time. The work of such a working group/ party will be decided upon at the time it is formed by means of a minute detailing the terms of reference. Each working group/ party will report back with recommendations to the Council or the committee that formed it.

7. Urgent Matters

7.1. In the event of any matter arising which requires an urgent decision, the Town Clerk shall consult the Leader and Deputy Leader of the Council and, with the concurrence of those members, shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.

7.2. Before exercising the delegated powers granted by paragraph 7.1 above, the Town Clerk and those members consulted shall consider whether the matter is of sufficient interest to justify the summoning of a special meeting of the appropriate committee and, where a meeting is so summoned, the committee concerned shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.

7.3. Before exercising the delegated powers granted by paragraph 7.1 above, the committee concerned shall consider whether the matter is of sufficient importance to justify recommending to the Mayor that a special meeting of the Council should be called in accordance with Standing Order 6 a.

7.4. Any action taken under this provision must be recorded in writing and made available for inspection by any member of the Council. Full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next available meetings of the Committee concerned and of the Council.

8. Delegation – Limitation

8.1. 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, by-laws or orders made and with any directions given by the Council from time to time.

9. Review

9.1. This Scheme of Delegation will be reviewed annually.

Date	Update
21 st January 2019	Adopted
13 th May 2019	Re adopted no amendments
11 th May 2020	Re adopted no amendments
17 th May 2021	Re adopted no amendments
16 th May 2022	Re adopted no amendments