

# Tenbury Town Council



## Terms of Reference of Committees and Scheme of Delegation

Approved by Council at its meeting of 9 May 2022

## **SCHEME OF DELEGATION**

- The Local Government Act 1972, section 10, give a parish council power to delegate decisions to a committee, sub-committee reporting to a committee, or the Clerk, being the Council's proper officer.
- Decisions may not be taken by an individual Councillor, including the Chairman.
- Working groups of Councillors without delegated decision-making powers may meet informally without public notice to oversee functions of the Council and to make recommendations to Council.
- The Council should agree terms of reference for delegation whether this is to an Officer or Committees, Sub-Committees and working groups, and these should be agreed annually.

## **1. Council Functions**

The following matters are to be dealt with by the Full Council:

- 1.1. Approval of Budget and setting the Precept.
- 1.2. Approval of the Annual Governance and Accountability Return and Audit of Accounts.
- 1.3. Authorisation of borrowing.
- 1.4. Adopting or changing Standing Orders, Financial Regulations or Scheme of Delegation.
- 1.5. Making of Orders under any statutory powers.
- 1.6. Appointment of Standing Committees.
- 1.7. Matters of principle or policy not delegated to a committee.
- 1.8. Appointing Council representatives to outside bodies.
- 1.9. Appointment or dismissal of the Town Clerk.
- 1.10. All other matters which must, by law, be reserved to the full Council.

- Urgent decisions required between scheduled meeting of the Council are delegated to the Clerk in consultation with Chairman and Vice-Chairman of the Council.
- Decisions made under this delegation will be reported to and minuted at the next Council meeting.
- Under this delegation, where appropriate, the Clerk may decide that an extraordinary meeting of the Council be called to deal with the urgent matter.

## **2. Delegation to Committees**

The following matters are delegated to the Council's Committees to make decisions on behalf of the Council. 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 Council may at any time, following resolution, revoke any delegated authority.

Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council.

### **2.1. All Committees**

2.2.1 Appointment of Sub-Committees.

2.2.2 Appointment of Working Groups.

## 2.2. PLANNING COMMITTEE

Membership shall be 8 members of the Council.

Meetings should have **3** members to be quorate.

### 2.2.1 Terms of Reference

To make with all planning matters on behalf of the Council

The Committee is delegated to deal with:-

1. Planning applications.
  2. Highways & traffic matters.
  3. Street naming.
  4. Local and regional plans and planning policy
  5. Neighbourhood Planning
- The Council delegates decisions arising under development control consultations to the Planning Committee, which will meet monthly or a such time that the Clerk in consultation with the Chair of Committee decides.
  - Membership of the Planning Committee will be determined by Council.
  - The Planning Committee shall elect a Chairman annually at the first meeting of the Committee after the Annual Council Meeting.
  - The Planning Committee shall elect a Vice-Chair annually at the first meeting of the Committee after the Annual Council Meeting.
  - The Planning Committee will receive reports of development control decisions taken by Malvern Hills District Council Planning.
  - The Planning Committee will consider and make recommendations to the Council on all matters of planning policy referred to the Council by Malvern Hills District Council and other authorities.
  - Agendas for meetings of the Planning Committee in open session will be circulated according to legislative requirements and at the same time posted on notice boards.
  - The Clerk may arrange for Councillors to meet near, or on-site with the Planning Authority, to familiarise themselves with the site but not to debate the application.

- Minutes of the Planning Committee will be received by the Council and approved by the Planning Committee.
- Under this delegation, and in particular with regard to controversial or major development proposals, the Clerk in consultation with the Chair of the Planning Committee, may decide that an extraordinary meeting of the Council be called to consider the matter or the matter be referred to the next Council meeting, whichever is appropriate.

### **2.3. FINANCE AND STAFFING COMMITTEE**

Membership shall be 8 members of the Council. Committee members shall always include the Mayor and the Chair of any Standing Committee with budgetary responsibility.

Meetings should have 3 members to be quorate.

#### **2.3.1 Terms of Reference**

To advise the Council as to its financial issues and policies and to oversee all staffing matters.

The Committee is delegated to deal with:-

1. All matters relating to finance, unless specifically reserved by Council.
2. Regular review of budget position.
3. Consideration of annual budget request of all standing committees for recommendation to Council.
4. Review of Financial Regulations for recommendation to Council, as and when required.
5. Review of Audit procedures
6. Grants and donations
7. All matters relating to personnel. (Matters which require confidentiality and have a referral to appeal MUST be delegated to a Sub-Committee).
8. Training of Councillors & staff
9. General day-to-day administration.

10. Civic & ceremonial activities.

11. Electoral matters.

- Membership of the Finance and Staffing Committee will be determined by Council.
- The Finance and Staffing Committee shall elect a Chairman annually at the first meeting of the Committee after the Annual Council Meeting.
- The Finance and Staffing Committee shall elect a Vice-Chair annually at the first meeting of the Committee after the Annual Council Meeting.
- Agendas for meetings of the Finance and Staffing Committee in open session will be circulated according to legislative requirements and at the same time posted on notice boards.
- Minutes of the Finance and Staffing Committee will be received by the Council and approved by the Finance and Staffing Committee.
- To submit to Council an annual budget for each financial year after consideration of estimates requests from other committees.
- To oversee the regulation and control of the Council's finances, including the authorisation of payments in accordance with Financial Regulations.
- To monitor income and expenditure in accordance with Financial Regulations.
- To consider and make recommendations on the procurement of goods and service for the Council where no formal tendering process is required, except where such procurement falls wholly within the remit of another committee or Council.
- To receive the Internal and External Auditor's reports and respond accordingly.
- To receive and monitor schedules of expenditure, financial records, budgetary control and other internal financial control measures as appropriate.
- To receive and monitor the Council's monthly bank and investment reconciliations.
- Review the Council's insurance policies and cover.
- Review the Council's Financial Risk Management.
- Staffing Sub-Committee will consist of at least 3 Councillors.
- Finance and Staffing Committee will be mindful:
  1. of the legal framework for and good practice in employment matters

2. of the confidential nature of employer-employee matters and that many of the items of consideration will require that the public and press be excluded by resolution of the Committee
  3. of the nationally negotiated contract and terms and conditions for the employment of the Clerk to the Council
  4. of the CALC model member-officer protocol
  5. That the Clerk is the line manager of all other staff.
- The Finance and Staffing Committee will receive reports from the Clerk and will:
    1. Be responsible for staff recruitment
    2. Confirm individual contracts of employment and all terms and conditions
    3. Make arrangements for a regular objective review of the Clerk's performance by the Chair of Council and Chair of the Committee and take any necessary action
    4. Consider other staff reviews undertaken by the Clerk and take any necessary action
    5. Decide upon annual salary awards, where appropriate.
    6. Consider matters arising from the application of the Council's disciplinary and grievance procedures and take all necessary action.
    7. As and when required under the Council's disciplinary and grievance procedures, appoint an appeals panel. Appoint the Chair of the appeals panel who will initiate an appeals panel meeting.
    8. Consider recommendations from the appeals panel and take any necessary actions.
  - The Finance and Staffing Committee will receive reports from the Clerk and make recommendations to Council regarding:
    1. Staffing and office requirements
    2. Budget allocation
    3. All policy issues relating to staff

## **2.4. FACILITIES COMMITTEE**

Membership shall be 9 members of the Council. The Mayor shall always be a Member of this Committee.

Meetings should have 3 members to be quorate.

The meeting shall appoint a lead Councillor or Councillors to oversee four main areas:

1. The Burgage
2. The Civic Gardens
3. Palmers Meadow & Skate Park
4. The Pump Rooms
5. The Regal
6. Cemetery, Street Lighting & Public Domain
7. Events & Community Support

### **2.4.1 Terms of Reference**

To manage and control buildings, parks, recreation grounds, public walks and public open spaces, including trees in the ownership of the Council.

The Committee is delegated to deal with:-

1. The Pump Rooms
  2. The Regal
  3. The Burgage – including Pavilion, Bowling Green, Tennis Courts, Children's play areas
  4. Palmers Meadow - including Rugby & Football Pitches, Skate Park, Car Park, Changing Rooms
  5. The Cemetery
  6. Seating, dog & litter bins, bus shelter, planters & flag pole
  7. Street lighting
  8. Events
  9. Community support
- Membership of the Facilities Committee will be determined by Council.
  - The Facilities Committee shall elect a Chairman annually at the first meeting of the Committee after the Annual Town Meeting.
  - The Facilities Committee shall elect a Vice-Chair annually at the first meeting of the Committee after the Annual Town Meeting.



- Agendas for meetings of the Facilities Committee in open session will be circulated according to legislative requirements and at the same time posted on notice boards.
- Minutes of the Facilities Committee will be received by the Council and approved by the Facilities Committee.
- To determine all operational issues on the management of the Council's assets, land and property.
- To make recommendations to the Finance and Staffing Committee on the annual budget requirements for the Council's assets in accordance with Financial Regulations.
- The Committee shall be responsible for recommending to Finance and Staffing Committee an agreed scale of charges for the Council's facilities.
- The Committee shall be responsible for overseeing the maintenance, management, regulation, security and development of the facilities, and ensuring that they are fit for purpose, and maintained in such condition as to be safe and welcoming to visitors in accordance with approved budgets and Financial Regulations.
- The Committee shall consider the long-term developments of the Council's facilities, referring quotations, estimates and costings to the Finance and Staffing Committee.
- The Committee shall be responsible for overseeing that risk assessments, health and safety checks and maintenance inspections are carried out, including RoSPA inspections relating to the children's play areas and skate-park, tree condition surveys and ensure suitable steps are taken to remedy any shortcomings.
- The Committee shall explore outside funding opportunities for the improvement and development of the facilities as and when appropriate.
- The Committee shall deal with any complaints or problems relating to the facilities that the Clerk has been unable to resolve.

### **3. DELEGATION TO OFFICERS**

#### **3.1 Town Clerk**

The Town Clerk shall be the Proper Officer of the Council as defined in law.

Issue all statutory notifications.

Receive declarations of acceptance of office.

Receive and record notices disclosing pecuniary interests.

Receive and retain documents and plans.

To arrange and call meetings of the Council, Committees and working groups

Hold the Council's Seal and apply it to documents as approved.

Sign notices or other documents on behalf of the Council.

Receive copies of By-laws made by principal authority.

Sign summons to attend meetings.

Ensure compliance with Standing Orders and Financial Regulations.

Manage all Town Council staff.

Manage the provision of Council services, buildings, land and resources.

Incur expenditure in an emergency up to £1,500 whether budgeted or not.

Power to act on behalf of the Council in an urgent situation, subject to consultation with the Mayor and Deputy Mayor of the Council OR the Chairman and Vice Chairman of a Committee as deemed appropriate in the circumstances.

To deal with dispensation requests from Members under the Code of Conduct.

Day to day management of land, buildings and other resources.

Project development for consideration by relevant Committee.

Management of maintenance contracts.

Matters specifically delegated by Council or Committee.

To maintain a continuous internal audit

To deal with all press and public relations on behalf of the Council

To liaise with and be the first point of contact for all contractors appointed by the Town Council including the Lengthsman.

To take all necessary action, including signing documents, necessary to give effect to any decision of the Council and its scheme of delegation.

To notify the Returning Officer of all casual vacancies arising in the membership of the Council as required by statute and to liaise with them regarding any statutory notices, electoral arrangements and co-option.

To be responsible for the provision and management of information and communication technology.

To arrange and keep the Council's schedule of risk assessments

To purchase necessary goods and services

### **3.2 Responsible Financial Officer**

The Clerk shall be the Responsible Finance Officer as defined in law.

Proper administration of the Council's financial affairs.

Determine accounting policies, records and control systems.

Report to External Auditor matters under Local Government Finance Act 1988 's114.

To act as RFO for the purpose of the Accounts and Audit Regulations

To provide a draft budget to the Council for the forthcoming year

Arrange insurance.

Authorisation of expenditure within budget.

To manage transfer of funds between the Council's bank accounts in order to maintain adequate cash flow and in accordance with the Council's Investment Policy

Matters specifically delegated by Council or Committee.

### **4. REVIEW IOF DELEGATION**

Review shall normally take place on an annual basis.