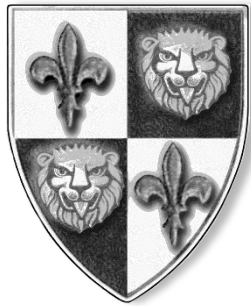


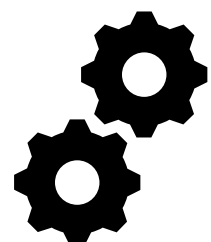
SHAFTESBURY TOWN COUNCIL

*Delivering Excellence across the
Shaftesbury Community*



Scheme of Delegation

Date of Adoption: 3rd November 2020
Review Date: May 2021



Internal Operations Policies



Shaftesbury Town Council Terms of Reference and Scheme of Delegation for Committees and Officers

1. Introduction

- 1.1. This Scheme of Delegation authorises the Proper Officer and Responsible Financial
- 1.2. Officer (the Town Clerk) and Standing Committees to act with delegated authority in the specific circumstances detailed. It will be reviewed annually at the Annual Town Council Meeting

2. Proper Officer and Responsible Finance Officer – Duties and Powers

- 2.1. Responsible Finance Officer
- 2.2. The Responsible Finance 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.
- 2.3. Proper Officer
- 2.4. The Town Clerk is designated and authorised to act as Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.
- 2.5. The Town Clerk is authorised to undertake the following functions:
- 2.6. The Clerk to the Council shall be the Proper Officer of the Council and as such is specifically authorised to:
 - i. Receive declarations of acceptance of office
 - ii. Receive and record notices disclosing interests
 - iii. Receive and retain plans and documents
 - iv. Sign Notices or other documents on behalf of the Council
 - v. Receive copies of bylaws made by a principal local authority



- vi. Certify copies of bylaws made by the Council
 - vii. Draw up agendas usually after consultation with the relevant Committee Chair including determining the appropriate committee for business.
 - viii. Sign summons for members to attend ordinary meetings of the Council
 - ix. To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
 - x. To institute and appear in any legal proceedings authorised by the Council.
- 2.7. In addition, the Clerk to the Council has the delegated authority to undertake the following matters on behalf of the Council:
- 2.8. To manage all the Town Council's services and property, together with routine inspection in line with the budgets and policies approved by members.
- 2.9. To manage the Council staff in accordance with the Council's policies, procedures and budget, including:-
- i. make appointments to posts, where not reserved for appointment by members¹
 - ii. the appointment of temporary employees
 - iii. staff performance and discipline
 - iv. payment of expenses and allowances in accordance with the Council's scheme;
 - v. the approval of increments
 - vi. implement national pay awards and conditions of service in line with the National Joint Council Scheme of

¹ The establishment of new posts and any changes to posts, or terms and conditions, which would have implications for the budget, shall be subject to approval in the first instance by the Human Resources Committee which will recommend to the General Management Committee for budgetary approval.



Conditions of Service (the ‘Green Book’) as amended by the Local Agreement

- vii. The Town Clerk shall delegate day to day management of functions and services to the service heads, in line with the approved duties of these posts, as agreed by the Council.
 - 2.10. 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
 - 2.11. Authorisation of routine recurring expenditure within the agreed budget
 - 2.12. Emergency expenditure up to £20000 outside of an agreed budget. The Clerk may seek emergency authorisation from the General Management Committee for further expenditure up to an additional £10,000 (Amended for 12 months on the 14/4/2020 at EFC – Minute ref F101)
 - 2.13. Authorisation of expenditure on works up to a maximum of £5,000
 - 2.14. 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. Use of the Clerk’s delegated powers shall be reported verbally to the next meeting of the full Council.
- 3. Absence of the Town Clerk**
- 3.1. In the short-term absence of the Town Clerk, the Business Manager shall be authorised to deputise and undertake any of the functions of that post.
 - 3.2. In the event of long-term absence of the Clerk, the Mayor in consultation with HR Committee Chairman and General



Management Committee Chairman will appoint a temporary locum who shall be authorised to deputise and undertake any of the functions of that post.

4. Urgent Matters

- 4.1. Subject to consultation with either the Town Mayor, Deputy Town Mayor or the relevant Committee Chairman and/or vice chairman, the Town Clerk is authorised to act on behalf of the Council on any matter where urgent action is needed to protect the interests of the Town Council.
- 4.2. Before the Clerk exercises the delegated powers those Members consulted shall consider whether the matter justifies summoning an Extra-ordinary Meeting of the Council or appropriate Committee or Sub-Committee.
- 4.3. 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.

COUNCIL and COMMITTEE TERMS OF REFERENCE

5. Committee Terms of Reference

- 5.1. The Terms of Reference for each of the Council's Committees, Sub-Committees, Advisory Committees and Joint Committees (as appropriate) shall be appended to this scheme of delegation and reviewed annually in their entirety.
- 5.2. The Council will appoint 4 Standing Committees;
 - i. General Management Committee
 - ii. Human Resources Committee
 - iii. Planning and Highways Committee
 - iv. Recreation, Open Spaces and Environment Committee



- 5.3. The Council may determine the number of any or all committees without the need to amend Standing Orders
- 5.4. Any member of the Town Council may attend meetings of any committee of which they are not a member. They must declare that they are not a member, may speak on any matter only with the permission of the Chairman and shall not vote. They may not remain if the Committee resolves to enter confidential session.

6. FULL COUNCIL - Matters Reserved for Full Council.

- 6.1. Quorum 4
- 6.2. Setting the precept and approval of the Council’s budget
- 6.3. Approval of the Annual Accounts
- 6.4. Completion of the Annual Return including the Governance Statement
- 6.5. The making, amending or revoking of Standing Orders, Financial Regulations and this Scheme of Delegation
- 6.6. Adoption or revision of the Council’s Code of Conduct.
- 6.7. Confirmation (by resolution) that the Council has satisfied the statutory criteria to exercise the General Power of Competence
- 6.8. Matters of principle or policy
- 6.9. Nomination or appointment of representatives of the Council to outside bodies (except approved conferences or meetings)
- 6.10. Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Council, excluding those matters specific to a committee
- 6.11. The making, amending or revoking of bye-laws
- 6.12. Authorisation as to terms and purpose for any application for Borrowing Approval
- 6.13. Approval of purchase, acquisition by other means, lease, sale or disposal of land and property
- 6.14. Dismissal of Town Clerk



6.15. Dismissal of the RFO (where this role is separate from the Town Clerk)

7. PLANNING AND HIGHWAYS - Matters delegated to the Planning and Highways Committee:

7.1. Membership and Frequency of Meeting

- i. 6 members of the Council who will meet as committee often enough to provide an effective response to planning applications
- ii. Members to be appointed by Full Council each year.
- iii. Quorum 3

7.2. Matters for consideration and determination:

- i. To comment on planning applications received from the local planning authority
- ii. To comment on behalf of the Council on Local Plans, Structure Plans, Mineral Plans, Waste Plans, Regional Plans and any other Plan or Studies as considered appropriate, including routine transport issues and provide input to s.106 agreements or the equivalent.
- iii. To comment on and make recommendations regarding all highways and parking issues within the town.
- iv. To comment on Licensing matters received from the local licensing authority
- v. Street naming when requested
- vi. To make recommendations regarding waiting restrictions within the Town
- vii. Consideration of the Shaftesbury and Gillingham Area Transport Action Group recommendations
- viii. Any other matter which may be delegated to it by the Full Council from time to time



8. RECREATION OPEN SPACES AND ENVIRONMENT - Matters delegated to the Recreation, Open Spaces and Environment Committee:

8.1. Membership and Frequency of Meeting

- i. 6 members of the Council who will meet as committee at least 3 times per year
- ii. Members to be appointed by Full Council each year.
- iii. Quorum 3

8.2. Matters for consideration and determination – the strategic management of the Council’s services for which there is a previously approved revenue budget of all matters relating to:

- i. **Environmental Services** which includes– Facilities, Street Scene, Parks & Open Spaces, Cemeteries
- ii. **Business Services** which includes the Guildhall, The Charter Market, Markets and Events
- iii. **Community Services** which includes Communications and Community Group liaison
- iv. Any other matter which may be delegated to it by the Full Council from time to time
- v. Any matter requiring additional or new budget provision outside that previously agreed by the Council in respect of the above work areas shall be referred to the General Management Committee for final consideration and determination.

9. GENERAL MANAGEMENT - Matters delegated to the General Management Committee:

9.1. Membership and Frequency of Meeting

- i. 7 members of the Council who will meet as committee at least 3 times per year
- ii. Members to be appointed by Full Council each year



iii. Quorum 3

9.2. Matters for consideration and determination

- i. All matters relating to Finance, including the recommendation of the approval of the Year End Accounts & approval of the Annual Return (Statement of Accounts) to Full Council
- ii. All matters relating to Grants and Donations
- iii. All matters relating to Internal Audit
- iv. Recommendations to Full Council on the proposed Capital and Revenue Budgets of all Council services and activities
- v. Health and Safety
- vi. Corporate Governance and Risk Management
- vii. Approval of Leases and Licences
- viii. Democratic Representation
- ix. All duties, functions and powers not required by legislation to be conducted by Full Council and not already delegated to other committees of the Council shall be determined by the General Management Committee or where in the interests of time a decision is required before it can be considered by its delegated committee.

10. Human Resources Committee waits recommendation from the Committee and resolution by Full Council. Existing Terms of Reference may be found [here](#).

11. Other committee matters

- 11.1. There are no other standing committees or sub-committees but they may be formed by resolution of the Council at any time and delegated powers may be decided upon at the time



the committee or sub-committee is formed by means of a minute detailing the terms of reference.

- 11.2. Any Committee may refer matters on which it has delegated authority to the Full Council or other committee for a final decision if it so wishes.

12. Advisory committees and working groups

- 12.1. An advisory Committee or Working group may be formed by resolution of Full Council or a committee at any time.
- 12.2. The work of such a committee or working group will be decided upon at the time it is formed by means of a minute detailing the terms of reference which will consider the purpose of the committee or group, its membership, and frequency of meetings, accountability and reporting and areas of interest.
- 12.3. Advisory committees and working groups will report back with recommendations to Full Council, or the committee that formed it from time to time and as appropriate.

13. Delegation - Limitations

- 13.1. Committees and sub-committees shall, at all times, act in accordance with the Council’s Standing Orders and Financial Regulations, and where applicable, any other rules, regulations, schemes, statutes, bye-laws or orders made and with any directions given by the Council from time to time.
- 13.2. No individual Councillor may be given delegation to act in a way that binds the Council to a decision, expenditure or policy position.