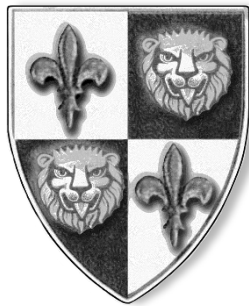


SHAFTESBURY TOWN COUNCIL
Delivering Excellence across the
Shaftesbury Community



Scheme of Delegation

Date of Adoption: 16th May 2023

Review Date: Annually

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 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. 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.

3. Proper Officer

- 3.1. 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.
- 3.2. The Town Clerk is authorised to undertake the following functions:
- 3.3. The Clerk to the Council shall be the Proper Officer of the Council and as such is specifically authorised to:
- Receive declarations of acceptance of office
 - Receive and record notices disclosing interests
 - Receive and retain plans and documents
 - Sign Notices or other documents on behalf of the Council
 - Receive copies of bylaws made by a principal local authority
 - Certify copies of bylaws made by the Council
 - Draw up agendas usually after consultation with the relevant Committee Chair including determining the appropriate committee for business
 - Sign summons for members to attend ordinary or extra ordinary meetings of the Council
 - To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000
 - To institute and appear in any legal proceedings authorised by the Council.
- 3.4. In addition, the Clerk to the Council has the delegated authority to undertake the following matters on behalf of the Council:
- 3.5. To manage all the Town Council's services and property, together with routine inspection in line with the budgets and policies approved by members.
- 3.6. To manage the Council staff in accordance with the Council's policies, procedures and budget, including: -

- make appointments to posts, where not reserved for appointment by members (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 by the Full Council)
- the appointment of temporary employees
- staff performance and discipline
- payment of expenses and allowances in accordance with the Council's scheme;
- the approval of increments
- implement national pay awards and conditions of service in line with the National Joint Council Scheme of Conditions of Service (the 'Green Book') as amended by the Local Agreement

- 3.7. 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.
- 3.8. 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
- 3.9. Authorisation of routine recurring expenditure within the agreed budget
- 3.10. Authorisation of expenditure as set out in the Financial Regulations;
(The Clerk, up to £2500 and in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items between £2500 and £5000. Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Clerk, and where necessary also by the appropriate Chairman.)
- 3.11. Contracts may not be disaggregated to avoid controls imposed by these regulations.
- 3.12. 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.

4. Absence of the Town Clerk

- 4.1. In the short-term absence of the Town Clerk, the most senior member of staff (if qualified) shall be authorised to deputise and undertake any of the functions of that post.
- 4.2. In the event of long-term absence of the Clerk, the Mayor in consultation with the Full Council will appoint a temporary locum who shall be authorised to deputise and undertake any of the functions of that post.

5. Urgent Matters

- 5.1. 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.
- 5.2. Before the Clerk exercises the delegated powers, those Members consulted shall consider whether the matter justifies summoning an Extra-ordinary Meeting of the Council.

- 5.3. 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.

6. Committee Terms of Reference

- 6.1. The Terms of Reference for each of the Council's Committees, Sub-Committees, Advisory Committees and Joint Committees (as appropriate) shall be published on the website and reviewed annually in their entirety.
- 6.2. The Council will appoint 1 Standing Committee; The Planning and Highways Committee
- 6.3. The Council may determine the number of any or all committees without the need to amend Standing Orders.
- 6.4. 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.

7. FULL COUNCIL - Matters Reserved for Full Council

- 7.1. All members of the Council will meet once a month or in the case of urgent business an Extra Ordinary Full Council will be scheduled.
- 7.2. Quorum 4

Matters relating to Governance

- 7.3. Adopting and changing the Council's Standing Orders, Financial Regulations and Powers and Duties of Committees; inc. Adoption or revision of the Council's Code of Conduct and confirmation (by resolution) that the Council has satisfied the statutory criteria to exercise the General Power of Competence
- 7.4. Approving, adopting, or making material changes to the Council's policy framework; inc. Corporate Governance, Risk Management and Health and Safety
- 7.5. Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation;
- 7.6. Approval of Leases and Licences

Matters relating to Finance

- 7.7. Agreeing and approving the Council's Budget and the level of its precept
- 7.8. All matters relating to Finance, including the recommendation of the approval of the Year End Accounts & approval of the Annual Return (Statement of Accounts)
- 7.9. All matters relating to Internal Audit.
- 7.10. Authorising borrowings; Authorising the incurring of expenditure not provided for within the approved Budget or otherwise permitted under the Council's Financial Regulations;

- 7.11. All matters relating to Grants and Donations.

Matters relating to Democracy

- 7.12. Democratic Representation
- 7.13. Appointing Council representatives to outside bodies;

Matters relating to Staff

- 7.14. Confirming the appointment of the Town Clerk and all staffing matters (other than those delegated to the Town Clerk).

Matters relating to Environmental Services

- 7.15. Facilities, Street Scene, Parks & Open Spaces, Cemeteries

Matters relating to Business Services

- 7.16. The Guildhall, The Charter Market, Markets and Events
- 7.17. All other matters which must, by law, be reserved to the full Council.

8. PLANNING AND HIGHWAYS COMMITTEE – Matters reserved for the Planning and Highways Committee

Membership and Frequency of Meeting

- 8.1. Committee meeting may be held online, in the event where no formal resolutions are made apart from confirmation of the minutes of the previous meeting. Delegated powers are to be given to the Clerk to comment on planning applications after consultation with members of the Highways and Planning Committee.
- 8.2. All members of the Council will meet as committee often enough to provide an effective response to planning applications usually once a month
- 8.3. All councillors will be invited to sit on this committee with an opt out option
- 8.4. Quorum 3
- 8.5. Delegated spend - Up to £5,000 in line with agreed budget lines

Matters for consideration and determination:

- 8.6. To comment on planning applications received from the local planning authority
- 8.7. 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.

- 8.8. To comment on and make recommendations regarding all highways and parking issues within the town.
- 8.9. To comment on licensing matters received from the local licensing authority
- 8.10. Street naming when requested
- 8.11. To make recommendations regarding waiting restrictions within the Town
- 8.12. Consideration of the Shaftesbury and Gillingham Area Transport Action Group recommendations
- 8.13. Policies relating to Planning Matters

9. Other committee matters

- 9.1. 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.
- 9.2. Any Committee may refer matters on which it has delegated authority to the Full Council.

10. Advisory Committees and Working Groups

- 10.1. An Advisory Committee or Working Group may be formed by resolution of Full Council or a committee at any time.
- 10.2. 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.
- 10.3. Advisory Committees and Working Groups will report back with recommendations to Full Council.

11. Delegation - Limitations

- 11.1. Committees and sub-committees shall, always, act in accordance with the Council's Standing Orders and Financial Regulations, and where applicable, any other rules, regulations, schemes, statutes, byelaws, or orders made and with any directions given by the Council from time to time.
- 11.2. No individual Councillor may be given delegation to act in a way that binds the Council to a decision, expenditure, or policy position.