



Melksham Town Council

Scheme of Delegation

ADOPTED BY COUNCIL

23rd March 2020

Scheme of Delegation

SCHEME OF DELEGATION

This Scheme of Delegation authorises the Proper Officer/Responsible Financial Officer, Standing Committees and Subcommittees of the Council to act with delegated authority in the specific circumstances detailed.

1. Proper Officer and Responsible Financial Officer - Duties and Powers

Responsible Financial Officer

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

2. Proper Officer

The Town Clerk 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 from Councillors disclosing interests.
- Receive and retain plans and documents.
- Sign Notices or other documents on behalf of the Council.
- Receive copies of By-laws made by the Unitary Council.
- Certify copies of By-laws made by the Council.
- Sign and issue summonses to attend meetings of the Council.

Give public notice of the time, place and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them)

Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office

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

The day to day administration of services, together with routine inspection and control.

Day to day supervision and control of all staff employed by the Council.

Authorisation of routine expenditure within the agreed budget.

Emergency expenditure up to £25,000 outside of the agreed budget.

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. Council

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

- Setting the Precept.
- Borrowing money.
- 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.
- Matters of principle or policy.
- Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings).
- Any proposed new undertakings.
- Prosecution or defence in a court of law.
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.
- Approving the annual return.
- Confirming eligibility to exercise the General Power of Competence

4. Standing Committees

The **Finance & Admin Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

- All matters relating to Finance with the exception of those at paragraph
- Grants and Donations
- To make recommendations to Council on the Budgets of all Standing Committees.
- General Administration
- Civic Activities/Local Democracy
- Community Safety including CCTV
- Any other matter which may be delegated to it by the Council from time to time.

The following matters are reserved to the Council for decision, but the Committee may make recommendations:

- Setting the Budget and Precept

The Committee may refer specific matters to the Council for a final decision if it so wishes.

The Asset Management Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- Playing Fields and Amenity Areas
- Footpaths and Bridle Ways
- Maintenance and repair of all the buildings owned by the Council
- Environmental Matters
- Markets and Craft Fairs
- Events and Carnivals
- Town floral displays
- Maintenance and upkeep of all vehicles and equipment used for grounds maintenance purposes.

The following matters are reserved to the Council for decision, but the Committee may make recommendations:

- Recommendation of the Committee's budget each financial year.
- Any funding required outside of the set budget in any given financial year.
- Any other matter which may be delegated to it by the Council from time to time.

The Economic Development and Planning Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- To comment on planning applications received from Wiltshire Council (Planning Authority)
- Street Naming
- Licensing Matters
- Any other matter which may be delegated to it by the Council from time to time
- To comment on behalf of the Council on Local Plans, Structure Plans, Mineral Plans, Waste Plans, Regional Plans and any other Plans or Studies as considered appropriate.
- Markets and Craft Fairs
- Highways and Street Furniture
- CATG matters/recommendations

The following matters are reserved to the Council for decision, but the Committee may make recommendations:

- Recommendation of the Committee's budget each financial year.

Community Development Committee

The Community Development Committee shall be delegated to make decisions on behalf of the Council in the following

- All community events
- Community activities
- CCTV
- Marketing and Promotion
- Business Support such as Car Parking refunds
- Civic Awards
- Review all budget lines and monthly accounts for all events
- Prepare regular reports to the Asset Committee

Sub Committees

The **HR Sub-committee** shall be delegated to make decisions on behalf of the Council in the following matters:

- To advertise and arrange interviews for the appointment of a Town Clerk and make recommendations Full Council about said appointment
- To carry out the Town Clerk's staff appraisal and agree objectives
- Hearings for Grievance, Disciplinary and Capability matters in accordance with the Councils Grievance and Disciplinary Procedure.
- Dealing with any Grievance, Disciplinary and Capability matters to a final conclusion, only reporting to Council when the time for any Appeal has passed.
- To discuss with the Town Clerk, and staff concerned, any issues relating to staffing levels and re-grading, pay levels and staffing structures and make decisions
- To deal with any complaints made against the Town Council in accordance with the Council's Complaints Procedure
- To deal with any staff complaint concerning the Town Clerk
- To deal with any staff matters referred by the Town Clerk
- To ensure that the Council complies with Health and Safety issues including the annual risk assessment procedure

It is vital that the HR sub-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 Personnel Sub-committee must agree to undertake training in these matters.

The **Appeals Sub-committee** is delegated to make decisions on the behalf of the Council in the following matters:

- Appeals against decisions made by the Personnel Sub-committee in Grievance, Disciplinary and Capability matters.
- Dealing with Appeals to a final conclusion, only reporting to Council the actions it has taken at the end of the process.

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 Appeals Sub-committee must agree to undertake training in these matters.

5. Working Groups/Parties

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.

6. Delegation - Limitations

Committees and Sub Committees shall, at all times, act in accordance with the Councils 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.

