

Garstang Town Council

Committee Terms of Reference and Scheme of Delegation

Date of Review: 23/05/2024

Version Number	Purpose/Change	Author	Date
V1.0	Approved by Full Council	E. Parry, Town Clerk	21/03/2022
V1.0	005(2024-25) Review of Committee Terms of Reference and Scheme of Delegation Resolved: The Council received and adopted the Committee Terms of Reference and Scheme of Delegation for the ensuing Civic Year 2024 - 2025.	E. Parry, Town Clerk	23/05/2024
V1.0	102(2023-24) Include a 6 month appraisal review and that the Mayor for the Civic Year provides a report to each employees annual appraisal. No requirement to include appraisals not covered in policy.	E Parry, Town Clerk	21/08/2023
V1.0	Updated 3.1 following review and adoption of new model Financial Regulations	E. Parry, Town Clerk	30/7/2024
V1.0	Minute 053(2024-25) Amendment at point 3 approved.	E. Parry, Town Clerk	19/08/2024

SCHEME OF DELEGATION

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (which may be one and the same person) and Standing Committees to act with delegated authority in the specific circumstances detailed.

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

1.2 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

2.1 The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

- 2.1.1 Receive declarations of acceptance of office;
- 2.1.2 Receive and record notices from Councillors disclosing interests;
- 2.1.3 Receive and retain plans and documents;
- 2.1.4 Sign Notices or other documents on behalf of the Council;
- 2.1.5 Receive copies of By-laws made by the District/County Council;
- 2.1.6 Certify copies of By-laws made by the District/County Council;
- 2.1.7 Sign and issue summonses to attend meetings of the Council.
- 2.1.8 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)

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

- 2.2.1 The day to day administration of services, together with routine inspection and control.
- 2.2.2 Day to day supervision and control of all staff employed by the Council.
- 2.2.3 To take action on any issue of such urgency, that it cannot wait until the next normal Council meeting. If circumstances permit, the Clerk would normally be expected to consult the Mayor or Deputy Mayor the if the Chairman is unavailable and take and take his/her view into account.
- 2.2.4 To incur expenditure on behalf of the Council, which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £300.00.
- 2.2.5 To take any action regarding minor repairs (up to a cost of £ 300.00) and to report

minor matters to the relevant authority.

2.2.6 Delegated actions shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and shall be reported to the next available Council meeting.

3. Council

3.1 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.

- i. setting the final budget or the precept (council tax requirement);
- ii. the outcome of a review of the effectiveness of its internal controls
- iii. approving accounting statements;
- iv. approving an annual governance statement;
- v. borrowing;
- vi. declaring eligibility for the General Power of Competence; and addressing recommendations from the internal or external auditors
- vii. Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
- viii. Making, amending or revoking By-laws;
- ix. Making of Orders under any Statutory powers;
- x. Matters of principle or policy.
- xi. Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings);
- xii. Any proposed new undertakings;
- xiii. Prosecution or defence in a court of law;
- xiv. Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.

4. Standing Committees

The Town Mayor and Deputy Town Mayor ex-officio shall be members of every committee; for the sake of clarity this is to allow them voting rights at all committees either or both may attend. As ex-officio members they will make part of the quorum for a Committee.

Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Deputy-Chairman who shall hold office until the next Annual Meeting of the council.

The committee shall ensure that the member it is appointed as Chairman has undertaken adequate training in chairmanship prior to appointment.

The Town Mayor shall not be elected as Chairman of any committee save with the express approval of the Council given on consideration of a report from the committee setting out the exceptional reasons justifying the election.

4.1 Finance and Amenities Committee

The Finance and Amenities Committee will comprise 6 members
The Quorum of the committee shall be 3 members

The 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 3.1 .
- All matters appertaining to economic and budgetary policies and delivery including any matter with a fiscal impact not specifically falling within the remit of any other Committee.
- All matters appertaining to Town Council assets and amenities; actively maximise the benefits of the assets to residents balancing against costs.
- All matters appertaining to Financial Regulations and any other Finance and Amenities related policies.
- To monitor income and expenditure quarterly and to make any recommendations to the Council.
- To ensure that the Council is adequately insured and that this is reviewed annually and recommend to Full Council accordingly.
- To administer, together with the RFO, the Council's investments and make changes, if thought necessary, from time to time, to get the best interest available.
- To make recommendations to Council on the Budgets of all Standing Committees.
- Approve amendments/updates to the following policies:
 - i) Schedule of assets
 - ii) Risk management policy
 - iii) Risk register
 - iv) Publication scheme
 - v) Investment strategy
 - vi) Reserves policy
 - vii) Grant policy
- 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
- 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 Finance and Amenities Committee may refer specific matters to the Council for a final decision if it so wishes.

4.2 Planning Committee

The Planning Committee will comprise 6 members

The Quorum of the committee shall be 3 members

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

- To comment on planning applications received from the Planning Authority
- That the Committee delegates, to the Clerk and Chair of the Planning Committee, the response to Wyre Council, on planning applications received, which require a response in between Council meetings. This scenario will typically happen between the July and September, and December and January Council meetings. As part of the delegation process views will be sought from Committee members. The Clerk will determine whether an extra ordinary meeting should be scheduled if there is a difference in opinion of views from members or it is a major/ controversial application.
- Street Naming
- Licensing Matters
- Any other matter which may be delegated to it by the Council from time to time
- The Planning Committee shall comment/ make recommendations to the Council 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.
- On any other planning matter that affects the Town.

4.3 Personnel Committee

The Personnel Committee will comprise 6 members

The Quorum of the committee shall be 3 members

The 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 for consideration will require that the public and press be excluded by resolution of the Committee
3. of the nationally negotiated model contract, benchmarking and terms and conditions for the employment of the Clerk to the Council
4. of relevant council protocols and policies

The Chairman will be appointed at the first Personnel Committee meeting, after the Annual meeting of the Council

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

- Chair of Personnel to sign off Clerk timesheets weekly and approve Clerk's Annual Leave and TOIL in consultation with the Mayor
- Power to appoint new staff
- To agree modifications to Terms and Conditions of employment if and when required and within budget constraints
- To hear, consider and recommend for approval or otherwise any re-grading applications
- 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 recommend contractual salary increments within National pay scales to Garstang Town Council
- To appoint 2 members to provide oversight of the Town Crier's role and duties, including review and agreement of Terms and Conditions
- appoint a member of the committee to seek advice for the committee in the event of a dispute between the Council and the Clerk
- as and when required under the Council's Disciplinary and Grievance Procedures, appoint an Appeals Panel, whose members will not be members of the Personnel Committee, and appoint the Chairman of the Appeals Panel who will initiate an Appeals Panel Meeting
- Consider recommendations from the Appeal Panel and take necessary actions thereon.

4.4 Sub Committees

There are no other Standing 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 Sub-committee is formed by means of a Minute detailing the Terms of Reference.

5. Working Groups/Parties

- 5.1 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.

6. Delegation - Limitations

- 6.1 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.