



# **Saxmundham Town Council**

## **Scheme of Delegation incorporating Committee and Working Groups Terms of Reference**

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## **1. Introduction**

Under the Local Government Act 1972 s.101, the Town Council has the power to arrange for the discharge of its functions by a Committee, Sub-Committee or Officer of the Council.

This Scheme of Delegation authorises the Town Council's Committees, Sub-Committees, Working Groups and the Proper Officer to act within the delegated authority in the specific circumstances described.

The purpose of this Scheme is to clearly define the parameters within which the Town Council's Committees, Sub-Committees, Working Groups and the Proper Officer can act without reference to the Town Council.

Where consultation with others is required, it is clearly set out with whom that consultation should take place.

Any deviation from this Scheme should be reported to the Town Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

This Scheme forms part of the Town Council's Standing Orders and Financial Regulations and shall be reviewed annually by the Town Council.

## **2. Town Council Reserved Powers**

Each Committee has delegated authority to decide matters within their Terms of Reference except for the following matters, which are to be resolved only by the Town Council:

- a) Appointing the Chair and Vice Chair of the Town Council.
- b) Amending and re-adopting the Standing Orders, Financial Regulations, Scheme of Delegation, and other Town Council adopted policies and procedures.
- c) Approving the annual budget and setting the precept.
- d) Approving the Annual Governance and Accountability Return and Annual Accounts.
- e) Considering the external auditor's report made in the public interest.
- f) Addressing recommendations in any report from the internal or external auditors.
- g) Decisions regarding an outcome of a review of the effectiveness of the internal controls.
- h) Additions to, or withdrawals from, any earmarked reserve.
- i) Determining the Town Council's strategic plan.
- j) Determining the Terms of Reference for Committees, deciding on their composition and making appointments to them.
- k) Filling any casual vacancies occurring on the Town Council and any Committees.
- l) Adopting the schedule of meetings for the ensuing year.
- m) Declaring the eligibility of, and adopting, the General Power of Competence.
- n) Adopting and reviewing the LGA Model Councillor Code of Conduct.
- o) Approving any grant or financial commitment exceeding £5,000 in accordance with the Financial Regulations.
- p) Appointing or nominating Council representatives to outside bodies.
- q) Approving the take on new, including devolved services, subject in all cases to a fully costed business plan, to be recommended by the relevant Committee.
- r) Determining matters involving expenditure for which budget provision is not made, or where budgets may be moved to other budget headings, or to an earmarked reserve in accordance with the Financial Regulations.
- s) Determining matters affecting, or likely to affect, another Committee or where consultation with or approval of that other Committee is required.
- t) Determining any matters referred to it by a Committee in accordance with Standing Orders.
- u) Approving borrowing.
- v) Determining matters which do not fall within the remit of any Committee.
- w) Receiving statutory reports from the Proper Officer and Responsible Financial Officer.
- x) Considering all other matters which must, by law, be considered by the Town Council.

### **3. Delegation to Committees and Sub-Committees**

- a) The following Terms of Reference set out the matters that are delegated to the Committees and Sub-Committees to make decisions on behalf of the Town Council.
- b) The delegated decision making by the Committees and Sub-Committees must be exercised in accordance with the law, the Town Council's Standing Orders and Financial Regulations, and any approved policy and budget.
- c) Where decision making is delegated to a Committee or Sub-Committee, so far as is legally permissible, they are deemed the acts and proceedings of the Town Council.
- d) The Town Council may, at any time, revoke any power delegated to a Committee or Sub-Committee, without prejudice to any action already taken.
- e) In accordance with the Standing Orders, the Town Council may, under specified conditions, reverse a Committee, Sub-Committee or Town Council decision within six months by special motion.
- f) Members will be advised by the Town Clerk, or other specified Officer, or the Chair of the Committee whether or not a particular item under discussion is within the Committee's delegated authority.
- g) In any case where the Town Clerk, or other specified Officer, or the Chair of the Committee is either unsure whether or not any matter falls within delegated authority, or whether or not any matter should be determined by them, or where any matters constitutes a change in Town Council policy, they should always refer that matter to the Town Council, or in the case of a Sub-Committee to the relevant Committee. The Town Clerk, or other specified Officer, will then add the recommendation to the next Town Council agenda for consideration.
- h) Committees, Sub-Committees and the Proper Officer should note that a power delegated does not always have to be exercised.
- i) The members of a Committee may include non-Councillors with the exception of the Resources Committee which controls and regulates the finances of the Town Council.
- j) The appointment of non-Councillors will be strictly on an advisory and non-voting basis.
- k) The Town Council and each Committee are authorised to establish a Sub-Committee and Working Groups and to appoint advisers as and when necessary to assist in its work.
- l) A Committee can arrange for the discharge of any of its delegated functions to a Sub-Committee. The decision-making responsibilities of the Sub-Committee are limited by Terms of Reference of the parent Committee.
- m) The appointment of members to a Sub-Committee shall comprise members appointed to the parent Committee.
- n) The Chair of the Sub-Committee may be elected by the Sub-Committee from among its members.
- o) The main purpose of a Working Group is to conduct investigation work as set out by the Town Council or Committee.

- p) Working Groups will report with recommendations to the Town Council or parent Committee.
- q) Working Groups shall hold informal meetings which are not open to members of the public.
- r) The Town Clerk, or other specified Officer, will draw up agendas for Working Groups and attend and take notes of the discussion and decisions at meetings.
- s) The Town Council's Standing Committees shall be:
  - Resources
  - Events and Communications
  - Amenities and Services
  - Planning and Development Control
- t) The Town Council's Standing Sub-Committees and Working Groups shall be:
  - Staffing Sub-Committee – Parent Resources Committee
  - Neighbourhood Plan Working Group – Parent Town Council
  - Energy Projects Working Group – Parent Town Council
- u) The Town Council shall formally appoint members to Committees by formal resolution at the Annual Meeting and the names shall be recorded in the minutes.
- v) Appointment of Councillors and non-Councillors shall continue on an annual basis until the next Annual Meeting.
- w) The Chair and Vice-Chair of the Town Council will be a full member of each Standing Committee, Sub-Committee and Working Group in their capacity as Ex-Officio but only one voting right will be exercised on each Committee.

#### **4. Delegation to the Resources Committee and Terms of Reference**

##### **Membership**

Five Town Councillors with voting rights.

##### **Quorum**

Three Town Councillors with voting rights.

##### **Non-Councillors**

None permitted.

##### **Ex-Officio Members**

The Chair and the Vice Chair of the Town Council who may each exercise one voting right.

##### **Frequency of Meetings**

First Tuesday of each month with the exception of August.

##### **Prime Objectives**

To manage the Town Council's budget and finances effectively, to ensure that good financial practice is followed, and that the Town Council's resources are effectively deployed.

To ensure the good management of all personnel matters for the Town Council, including performance management, and training and development for Officers and Councillors

##### **Delegated Business**

The Committee has delegated authority and responsibility to deal with the following matters to conclusion, in line with the agreed budget:

###### Financial Items

- Consider and give views on the budget and precept for the following municipal year and recommend to the Town Council.
- Regularly review the financial status of the Town Council, referencing expenses and income in conjunction with the budget.
- To make recommendations to the Town Council on virement of budget.
- To approve expenditure up to £5,000.
- To review banking arrangements and make recommendations to the Town Council.
- To review all statutory compliance.

###### Legal, Statutory and Strategic Items

- To consider legal policies and make recommendations to the Town Council.
- To consider and make recommendations to the Town Council on key financial policies including Insurance, Asset Register, Financial Regulations, Risk Managements and Internal Controls.
- To decide the development of facilities in areas such as IT and technology.
- To consider and make recommendations to the Town Council regarding future projects bringing resources to the town.
- To consider any item as deemed appropriate by the Town Council.

###### Staffing Matters

The Committee will have delegated responsibility to:

- Consider and determine the staffing structure and review and oversee the appointment of staff.

- Review and monitor contracts and salary pay scales.
- To consider the recommendations from the Staffing Sub-Committee.
- To consider and review employment related policies.
- To consider and decide on programmes of training and development for Officers and Councillors.



## **5. Delegation to the Events and Communications Committee and Terms of Reference**

### **Membership**

Five Town Councillors with voting rights.

### **Quorum**

Three Town Councillors with voting rights.

### **Non-Councillors**

Up to four non-Councillors with no voting rights.

### **Ex-Officio Members**

The Chair and the Vice Chair of the Town Council who may each exercise one voting right.

### **Frequency of Meetings**

First Thursday of each month with the exception of August and January.

### **Prime Objectives**

To determine and oversee events for the Town Council and review their success.

To determine policy and to create information for communications through all forms of media, including websites.

### **Delegated Business**

The Committee has delegated authority to deal with matters relating to and/or under its control to conclusion, including spending within its approved budget:

- Budgeted events such as a Christmas Fayre, Arts Fest, Memorial Day and similar.
- Costs incurred to enable effective communication of planned events.
- Consultancy for running events and similar.
- Development of policy for Officers and Councillors on communicating with members of the public, suppliers and customers.
- Policy to inform the general public on activities within the Town Council.
- Policy to advertise Town Council assets to the public.

All policies are to be submitted to the Town Council for approval.

Any proposed unbudgeted expenditure, in excess of £250, will require approval at the Resources Committee or the Town Council.

## **6. Delegation to the Amenities and Services Committee and Terms of Reference**

### **Membership**

Five Town Councillors with voting rights.

### **Quorum**

Three Town Councillors with voting rights.

### **Non-Councillors**

Up to four non-Councillors with no voting rights.

### **Ex-Officio Members**

The Chair and the Vice Chair of the Town Council who may each exercise one voting right.

### **Frequency of Meetings**

Third Thursday of each month with the exception of August.

### **Prime Objectives**

To deal with all matters of general grounds, premises, amenities, and services with Saxmundham over which the Town Council has control or influence.

The Market Hall is excluded unless the Market Hall Trustees or Management Committee requests assistance.

The Gannon Rooms are excluded unless the Gannon Institute Trustees or Management Committee requests assistance.

### **Delegated Business**

The Committee has delegated authority to deal with matters relating to and/or under its control to conclusion, including spending within its approved budget:

- Notice boards
- Street Furniture including Benches, Dog Bins and Waste Bins
- Christmas Lights
- Memorial Field including the Skate Park
- Grounds, hedges, ditches and similar
- Weekly and Monthly Markets
- The Town House and its environs
- Play areas and equipment
- Fromus Square including the War Memorial
- Signage
- Any other appropriate items as deemed by the Town Council.

Regarding issues relating to services and amenities not owned nor controlled by the Town Council but that affect the public domain such as below, this Committee has delegated authority to make proposals and representations on behalf of the Town Council.

- Highways, footpaths, and pavements
- Parking
- Railway and station
- Street furniture and signage

Any proposed unbudgeted expenditure, in excess of £250, will require approval at the Resources Committee or the Town Council.

## **7. Delegation to the Planning and Development Control Committee and Terms of Reference**

### **Membership**

Five Town Councillors with voting rights.

### **Quorum**

Three Town Councillors with voting rights.

### **Non-Councillors**

Up to four non-Councillors with no voting rights.

### **Ex-Officio Members**

The Chair and the Vice Chair of the Town Council who may each exercise one voting right.

### **Frequency of Meetings**

As required.

### **Prime Objectives**

To deal with all matters of planning such as planning applications, planning application decisions and enforcement issues, and respond appropriately and in a timely manner to the District Council or any other interested parties.

This Committee is not responsible for any strategic planning issues in terms of Neighbourhood or Local Plans.

### **Delegated Business**

The Committee has delegated authority to deal with the following matters to conclusion:

- Consider and give views, on behalf of the Town Council, on planning applications sent for consultation by the District Council or any other authority so empowered to do.
- Consider the decisions of the local planning authorities in respect of local planning applications.
- Consider any planning appeals, planning appeal decisions and planning enforcement cases.
- Consider and give views on any street naming issues or consultations.
- Produce and publish any information for the public in connection with planning matters, within legal powers.
- To work with the Neighbourhood Plan Working Group as required
- Consider any other matters referred to the Committee by the Town Council.

Any proposed unbudgeted expenditure, in excess of £250, will require approval at the Resources Committee or the Town Council.

## **8. Delegation to the Staffing Sub-Committee and Terms of Reference**

### **Membership**

Three Town Councillors, who are members of the Resources Committee, with voting rights.

### **Quorum**

Three Town Councillors, who are members of the Resources Committee.

### **Non-Councillors**

None permitted.

### **Ex-Officio Members**

The Chair and the Vice Chair of the Town Council who may each exercise one voting right.

### **Frequency of Meetings**

Quarterly on the last Tuesday of the month.

### **Prime Objectives**

To consider grievance or disciplinary matters (not including any appeal therefrom) referred and to manage the Town Clerk.

### **Delegated Business**

The Sub-Committee has delegated authority and responsibility to deal with the following matters to conclusion:

- To consider grievance or disciplinary matters for all staff in accordance with the Town Council's grievance and disciplinary policies.
- To manage, supervise and appraise the Town Clerk, administer leave requests, record and monitor absence from work.
- To recommend to the Resources Committee any actions regarding the Town Clerk's performance and to recommend salary and benefit levels for the Town Clerk and other Officers.
- To consider any other item that Resource Committee or the Town Council deem appropriate.

## **9. Delegation to the Proper Officer**

### **Ordinary Delegations**

That the Town Clerk, as Proper Officer, be authorised to conduct the business affairs of the Town Council subject to the actions taken being lawful, achieving value for money, and complying with the policies, procedures and budget approved by the elected members of the Town Council.

The Town Clerk is authorised to act with delegated authority in the specific circumstances detailed below:

- a) Exercise the delegations of the Proper Officer contained within the Town Council's Standing Orders.
- b) Receive declarations of acceptance of office.
- c) Receive and record notices disclosing personal and prejudicial interests.
- d) Receive and retain plans and documents.
- e) Sign notices or other documents on behalf of the Town Council.
- f) Sign summonses to attend meetings of the Town Council.
- g) Sign on behalf of the Town Council any document to give effect to any decision of the Town Council.
- h) Undertake the day-to-day administration of the Town Council.

The Town Clerk may authorise another Officer to exercise the powers of the Town Clerk in her absence without removing the overall responsibility of the Town Clerk for any such decisions.

### **Specific Delegations**

The Town Council or Committees acting with delegation, may at any time do one of the following:

- a) Authorise the Town Clerk, or other specified Officer, to implement a particular course of action or determine a specific matter as a temporary authorisation; and
- b) Delegate to the Town Clerk, or other specified Officer, to exercise certain powers or functions on behalf of the Town Council as a permanent authorisation unless modified or removed by the Town Council or appropriate Committee.

#### **1. Contracts**

That the Town Clerk be granted delegated authority to enter into the following contracts, subject to periodic value for money reviews, on behalf of the Town Council:

- a) Contracts for standard business services. Examples of such services shall include IT support, photocopier, telephone, refuse and sanitary disposal, financial software, payroll service, and website support.
- b) Contracts for utilities. Examples of such services shall include electricity, water and gas.

#### **2. Banking**

That the Town Clerk be granted delegated authority on behalf of the Town Council to:

- a) If necessary, renew the banking arrangements under the terms of agreement with the existing providers.
- b) Enter into new banking arrangements subject to approval by the Resources Committee.

#### **3. Insurance**

That the Town Clerk be granted delegated authority on behalf of the Town Council to renew arrangements for insurance cover subject to approval by the Resources Committee.

#### **4. Payments**

That the Town Clerk be granted delegated authority on behalf of the Town Council to make payments detailed on the annual lists of Approved Payments and Direct Debits.

*Resources Committee Minute References 166/23RC, 167/23RC and 168/23RC*

## **5. Savings**

That the Town Clerk be granted delegated authority on behalf of the Town Council to transfer, in conjunction with two authorised signatories, funds to and from the current and savings accounts held with Unity Trust Bank.

*Resources Committee Minute Reference 15/24RC*

## **6. Fees and Charges**

That the Town Clerk be granted delegated authority to vary the Town Council's schedule of fees and charges with regard to a long-term agreement with a customer or a trial period with a new customer. Examples include stallage fees at the weekly and monthly markets.

This delegation shall not permit the revision of fees and charges for all customers. Any modifications to, or during an annual review of, fees and charges will be subject to approval by the respective Committees. Examples include charges for markets and open spaces.

## **7. Capital Works**

In accordance with the budgetary authorities to spend, set out in the Town Council's Financial Regulations, capital expenditure of a value higher than £5,000, shall be approved in full, or in principle, by the Town Council, prior to the commencement of a project.

For capital expenditure of a value lower than £5,000, that the Town Clerk be granted delegated authority to seek approval from a relevant Committee in order to expedite the delivery of a capital project.

## **8. Consultations**

That the Town Clerk be granted delegated authority to determine, in consultation with the Chair of the Town Council, which consultations the Town Council will prioritise and respond to and whether the Town Council will be determined through:

- a) Full Council;
- b) A relevant Committee;
- c) The Town Clerk, in consultation with members;
- d) A Working Group constituted for the purpose.

Or whether the Town Council will rely upon, or support, the representations made by another body. Examples of such include the National Association of Local Councils, the Suffolk Association of Local Councils, and the Anglian Energy Planning Alliance.

## **9. Land and Property**

That the Town Clerk be authorised to enter into a lease or licence on behalf of the Town Council in consultation with the Town Council or a relevant Committee.

## **10. Press and Social Media**

- a) That the Town Clerk be authorised to release press statements on any activities of the Town Council in consultation with the Town Council Chair and in accordance with the Town Council's policies.
- b) That the Town Clerk be authorised to retain responsibility for the editorial control of the Town Council website and social media accounts in accordance with the Town Council's policies.

- c) That the Town Clerk be authorised to retain responsibility for the editorial content of the Town Council's articles to regular newsletters.

#### **11. Staffing**

- a) That the Town Clerk be authorised to undertake the line management of all Officers employed by the Town Council.
- b) That the Town Clerk be authorised to identify and implement training and development for all Officers within the approved budget.

#### **12. Responsible Financial Officer**

- a) That the Town Clerk, as Responsible Financial Officer, be responsible for the Town Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.
- b) That the Town Clerk, as Responsible Financial Officer, be responsible for ensuring that the approved precept request is issued to the billing authority and shall supply each member with a copy of the approved annual budget for the Town Council.

#### **13. Notices of Intent**

That the Town Clerk be authorised, in consultation with the Chair of the Planning and Development Control Committee, to use their discretion not to call meetings to consider and respond to notices of intent for proposed works to trees subject to a Tree Preservation Order or trees in the Conservation Area.

*Town Council Minute 83/24TC*

#### **14. Anglian Energy Planning Alliance**

That the Town Clerk be authorised to endorse correspondence and proposals, on behalf of the Town Council, from the Anglian Energy Planning Alliance following email consultation and approval from all members of the Town Council.

*Town Council Minute 83/24TC*

#### **Urgent Actions**

That the Town Clerk and the Deputy Town Clerk be granted delegated authority to take urgent action and revenue expenditure on behalf of the Town Council in cases of serious risk to the delivery of council services or to public safety on council premises.

The Town Clerk, or Deputy Town Clerk, may authorise expenditure of up to £2,000 excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure.

The Town Clerk shall report such action to the Chair as soon as possible and to the Council as soon as practicable thereafter.

*Town Council Minute 150/23TC*