



MARLBOROUGH TOWN COUNCIL

(Updated 12th September 2023)

SCHEME OF DELEGATION

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.

Proper Officer and Responsible Financial Officer - Duties and Powers

1. Responsible Financial Officer

- 1.1. The Clerk to the Council shall be the Responsible Financial Officer to the Council and 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. Proper Officer

- 2.1. 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
 - Sign summons to attend meetings of the Council.
- 2.2. In addition, the Clerk to the Council has the delegated authority to undertake the following matters on behalf of the Council:
- 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 to call any extra meetings of the Council or any Committee as necessary, having consulted with the Mayor of the Council, and/or the Chairman of the appropriate Committee
- 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
- Authorisation of routine recurring expenditure within the agreed budget
- Emergency expenditure up to £3,000 outside of an agreed budget
- Authorisation of expenditure on works up to a maximum of £3,000

2.3. 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.

Council and its Committees

Duties and Powers

3. Council

- 3.1. The following are reserved matters for the Council to decide, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration.
- Appointment of the Town Clerk / RFO following consideration being given to a recommendation from the Staffing Committee
 - Setting the Precept
 - Borrowing money
 - Approval of the Council's Annual Accounts and the Annual Return
 - Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
 - Making, amending or revoking bylaws
 - Making of orders under any statutory powers
 - Appointment of all Standing Committees
 - Matters of principle or policy including those recommended by the Finance and Policy Committee
 - Noting of all minutes approved by Committees

- Approval of application for Quality Status and/or its equivalent
- Nomination and appointment of representatives of the Council to any other authority, organisation or body
- Any proposed undertakings committing expenditure above £10,000 and that outside of Committee Budgets which may be a charge to General Reserves
- Responses to legislative and other allied consultations excluding those dealt with by the Planning Committee
- Prosecution or defence in a Court of Law other than an Employment Tribunal
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to a Committee.
- Decisions with a view to the Council becoming eligible to exercise the General Power of Competence

3.2. Urgent matters:

- In the event of any matter arising which requires an urgent decision the Clerk to the Council shall forthwith consult with the Mayor and/or Deputy-Mayor (and also with the Chairman and/or Vice-Chairman of the Finance and Policy Committee if the matter involves expenditure not provided for in the annual budget, and not covered by Finance Regulations), and other relevant Committee Chairs and/or Vice Chairs before acting on behalf of the Council
- Before the Clerk exercises the delegated powers granted by the above paragraph, those Members consulted shall consider whether the matter justifies summoning a Special Meeting of the Council or appropriate Committee
- 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.

4. Committees and Sub Committees

4.1. The **Finance and Policy Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

- Approval of its Minutes as true and correct records
- All matters relating to financial management of the Council's affairs including legal matters, excluding the final setting of a precept or any amount to be borrowed.

- Following consultation with all budget holding Committees, to receive estimates from the RFO for all Committee budgets (including that for the Finance and Policy Committee) to enable the establishment of an overall budget estimate for recommendation to Full Council as laid down in Financial Regulations
- To discuss all grant applications in accordance with the Grant Scheme's agreed criteria and guidelines which should be reviewed on an annual basis and make recommendations to Full Council for inclusion in the overall budget estimate
- The monitoring of all budgets on an ongoing basis, taking action where required to vary (transfer) unspent provision to ensure that the overall budget parameters are maintained
- Audit arrangements, including the selection and review of Internal Auditors.
- Approval of expenditure on items within the Committee's area of responsibility and included in the approved Council budget up to the amount specified in the budget
- The maintenance of a Fixed Asset Register covering all items purchased exceeding £1000. The safe custody and upkeep of all accoutrements and objects of interest or value in the ownership of the Council.
- The maintenance and safe custody of the civic insignia and ceremonial dress.
- Corporate Management including matters of general policy ahead of recommendations to Full Council
- The administration of the charities which fall within the Town Council's jurisdiction.

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

- Reviewing the Council's Financial Regulations / Standing Orders and Council policies in consultation with other Council Committees on an annual basis
- Recommendation of the Committee's budget and overall Council budget for each financial year
- Any funding required outside of, or above, the set budget in any given financial year
- Any other matter that has been delegated to it by the Council from time to time.
- The Committee may refer specific matters to the Council for a final decision if it so wishes.

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

- Approval of its Minutes as true and correct records

- To have delegated powers to make observations on all planning, highways, footpaths, licensing applications and related matters, and submit those observations to the appropriate authority. When necessary hold meetings with residents, developers or planning officers to assist with the formulation of those observations
- To respond to all consultations, and to take part in any discussions which could result in changes to the Core Strategy, Planning Policy Statements, Town & Country Planning Act, etc
- To submit proposals in respect of funding for any training requirements for staff and members to the Finance and Policy Committee. The Planning Committee will consider all applications in a consistent manner, with those submitted by or on behalf of members of the Council, or on behalf of the Council itself being noted.

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

The Mayor attends the Planning Committee as an "ex officio" (non voting) member but can participate in the debate

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

- Approval of its Minutes as true and correct records
- The maintenance, improvement and general upkeep of all the Councils' properties within the agreed budget
- Management of the Town Hall, the Council's tenancies, rent reviews and all tenancy agreements (including the Rugby Club, Golf Club, Bowls Club, Boxing Club, etc)
- Approval of expenditure on items within the Committee's area of responsibility and included in the approved Council budget up to the amount specified in the budget
- To receive estimates from the RFO for the Property Committee's budget to enable a considered recommendation to be made to the Finance and Policy Committee as laid down in Financial Regulations
- To negotiate any changes to existing lease agreements, and negotiate terms for all new lease agreements remaining mindful of the Council's financial responsibilities

- To ensure that all works carried out on the Council's properties have due regard to Health & Safety, Disability Discrimination Act and comply with all legislation in terms of public safety
- To promote the use of the Town Hall within an agreed budget.

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

4.4. The **Staffing Sub Committee** shall be delegated to make decisions on behalf of the Council in the following matters and will meet as necessary:

- Approval of its Minutes as true and correct records
- The recruitment and selection of all staff with the exception of the Town Clerk / RFO
- The short listing of applicants for the post of Town Clerk and RFO with applications circulated to all Councillors
- To interview applicants for the post of Town Clerk / RFO and make recommendations to the Council thereon
- To consider and implement any changes that are required for the Council to comply with Employment Law, Health and Safety legislation and terms and conditions of service for all employees as set out in the Employees Handbook produced in consultation with the Council's Employment Law Advisors. *(This incorporates those conditions laid down in the National Joint Council (NJC "Green Book") and recommended by National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC))*
- To administer any discipline or grievance cases in accordance the Councils' adopted policies.
- Prosecution or defence in any Employment Tribunal proceedings
- To ensure all staff appraisals are being carried out in accordance with Town Council policy
- To ensure that the Town Mayor carries out an annual appraisal of the Town Clerk
- To approve any changes to the terms and conditions of employment of employees of the council.
- To approve changes to remuneration of any employee within the approved budget.

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 (if any)
- Any funding required outside of, or above, 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 Committee may refer specific matters to the Council for a final decision if it so wishes.

It is vital that the Council and Staffing Committee keeps confidential its deliberations and decisions around individual staff matters

4.5. The **Amenities & Open Spaces Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

- Approval of its Minutes as true and correct records
- The maintenance, improvement and general upkeep of all cemeteries, parks, gardens, play areas and open spaces within an agreed budget
- The Town Clerk, in consultation with the Chairman of the Committee, has delegated power to take any action considered appropriate in a situation where the health and safety of public or staff is at risk
- To review and set charges for use of open spaces (including burial and cemetery fees)
- To receive estimates from the RFO for the Amenities and Open Spaces budget to enable a considered recommendation to be made to the Finance and Policy Committee as laid down in Financial Regulation 2.1
- To ensure that all activities carried out within the Council's property have due regard to Health & Safety, Disability Discrimination Act and comply with all legislation in terms of public safety.

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

5. Sub-Committees

- 5.1. A Standing Committee may if it believes that it would be appropriate, appoint a Sub-Committee. Any powers to be delegated to such a Sub-Committee may be detailed at the time the Sub-Committee is formed by means of a Minute detailing the Terms of Reference but such delegated powers must be approved by the Council.

6. Working Parties/Advisory Committees

- 6.1. Working Parties/Advisory Committees may be formed by resolution of the Council or a Committee at any time. The work of such a Working Party/Advisory Committee will be decided upon at the time it is formed by means of a minute detailing the Terms of Reference. Each Working Party/Advisory Committee will report back with recommendations to the Council or the Committee that formed it. A Working Party/Advisory Committee does not have decision-making powers. Non-Council members can be appointed to it. Its meetings are not open to the public.

7. Delegation - Limitations

Committees and Sub-committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, bylaws or orders made and with any directions given by the Council from time to time. This does not apply to Working Parties/Advisory Committees

8. Attendance of Members at Committee meetings

- 8.1. All Councillors have an absolute right to attend any Committee meeting. The Chairman of the Committee has at his absolute discretion the right to allow a non-member to speak but is encouraged to do so. As a courtesy and if possible, a non-member is required to notify the Chairman in advance if they wished to speak on an agenda item. A non-member could make one statement per agenda item if invited by the Chairman not to exceed 2 minutes. Any further participation in the meeting of a non-member is at the invitation of the Chairman.
- 8.2. The Council believes in open and transparent governance wherever possible. However, a Committee has the right to exclude the press and public during any part of a meeting due to the special or confidential nature of the business to be transacted. With the exception of the Staffing Committee where personal and individual issues are discussed, Councillors who are non-members of a Committee that has passed a resolution excluding the press and public have an absolute right to remain in the meeting. If, in the opinion of the Staffing Committee, the item is of a particularly sensitive or confidential nature, they will be asked to leave. In such circumstances, non-member Councillors will only be allowed to remain if they can demonstrate a 'need to know' as defined in the cases of *R v City of Birmingham District Council ex parte O* [1983] 1 AC 578 and *R v Hackney LBC ex parte Gamper* [1985] 1 WLR 1229. The decision of the Committee will be final.

9. Call-in policy

- 9.1. A member may call-in a decision taken by a committee under this scheme in accordance with the procedure set out in Standing Order 30

10. Deputy Town Clerk

- 10.1 The Deputy Town Clerk will act in respect of the delegated duties and powers attributed to the Town Clerk in their absence due to periods of leave or sickness.