

Scheme of Delegation

1) Scope

Officers & Members

- 2) Proper Officer
- 3) Responsible Financial Officer
- 4) Town Clerk (General)
- 5) Leader of the Council

The Council

- 6) Committee Chairs

Council & Standing Committees

- 7) Planning & Transport Committee
- 8) Community Committee
- 9) Environment Committee
- 10) Policy & Resources Committee

Sub-Committees

- 11) Staffing & Accommodation Sub-Committee
- 12) Open Spaces Management Sub-Committee
- 13) Estimates Sub-Committee

**Advisory Committees, Panels &
Other Generic Functions of the Council**

- 14) Advisory Committees (General)
- 15) Financial Scrutiny Panel
- 16) Climate Scrutiny Panel
- 17) Complaints Panel
- 18) Editing Panel

Agreed at Minute 16 of AM 2022

Review Date: 15th May 2023

Scope

- 1.1) The scheme of delegation authorises the Proper Officer, Responsible Financial Officer (Town Clerk) and committees to act with delegated authority in specific circumstances detailed. This Scheme of delegation is overseen by the Council and should be reviewed on an annual basis, taking into account the changing nature of the committee structure.
- 1.2) The Scheme of Delegation should be used to determine an officer's or committee remits and serves to codify the Council's decision-making process.

Proper Officer

2.1) The Proper Officer is the Town Clerk and is responsible for ensuring that the Council's records, assets and processes are kept in good order, regularly reviewed and reported to Council. Specifically, duties of the Proper Office include:

- Receiving declarations of acceptance of office.
- Receiving and recording notices disclosing interests.
- Receiving and retaining plans and documents.
- Sign notices and documents on behalf of the Council.
- Receive copies of bylaws made by a principal local authority.
- Certify copies of bylaws made by the Council
- Draft and publish agenda papers in consultation with the relevant chairperson.
- Sign summons to attend ordinary meetings of the Council.
- Retain custody of the Council's seal for use by resolution.

Responsible Financial Officer

3.1) The Responsible Financial Officer (RFO) is a statutory appointment under S151 of the Local Government Act 1972 and is the Town Clerk. The RFO is accountable to the Council and holds responsibility for determining the Council's form of accounts, ensuring that accounts and maintained in accordance with the Accounts & Audit Regulations in force at any given time. In addition, duties of the RFO include:

- Accountability for the management of budgetary information, reporting and management of reserves.
- Accountability for the timely and proper report of all cashbooks and reconciliations to the Council
- Ensuring investments are carried out in accordance with the Council's Treasury & Investment Policy.
- Maintaining a sound system of internal control and convening the Financial Scrutiny Panel, including implementing the recommendations of the panel.
- Discharging all responsibilities in relation to the Local Government Pension Scheme.

Town Clerk

4.1) The Role of the Town Clerk is that of 'chief executive' or 'head of paid service' and holds responsibility for presiding over administrative and operational matters, but not matters of policy approval which is reserved for the Council. The Town Clerk is responsible for issuing directions and orders to staff as the principal line manager and is accountable to the Council as a body corporate. The Town Clerk holds 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
- Personnel matters including capability and disciplinary procedures as set out in the Staff Handbook.
- Deployment of Council resources to discharge the statutory duties of the Council and agreed committee business plans.
- Providing comments to local press and media on behalf of the Council in conjunction with all relevant Members to the subject matter.
- 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 lines.
- Authorisation of expenditure on any general works within the agreed budget lines.
- Authorisation of emergency expenditure outside of an agreed budget in accordance with Financial Regulations, with any such emergency expenditure to be reported to the Council at the earliest opportunity.
- Proposition of new policies and initiatives for consideration by the Council.

4.2) 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. Actions and general business being handled by the Clerk and staff should be regularly reported via the 'clerks report' items on each committee agenda.

Leader of the Council

5.1) The Leader of the Council is responsible for representing the majority political party's vision of service to delivery to the public.

5.2) The Council may appoint a Leader of the Council if it so wishes. Since no individual member may act alone in an executive capacity, the Clerk is delegated and directed to work with the Leader to undertake overall management of the business of the council. This includes:

- Day to day decisions on the implementation of Council Policy
- Overseeing work to implement Council Strategy
- Managing Urgent Business
- Liaising with political groups to propose a consensus on Council priorities.

5.3) In the event of any matter arising which requires an urgent decision, the Clerk to the Council shall forthwith consult with the Leader and Mayor and other relevant Committee Chairs and/or Vice Chairs before acting on behalf of the Council.

The Council

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.

- Setting the Precept
- Borrowing money
- Approval of the Council's Annual Accounts and the Annual Governance & Accountability Return
- Making, amending or revoking Standing Orders, Financial Regulations, Code of Conduct or this Scheme of Delegation
- Making, amending or revoking bylaws
- Making of orders under any statutory powers
- Approving and adopting the Council's Corporate Strategy
- Discharge of completed corporate strategy items upon notification by the relevant committee.
- The appointment of the Town Clerk taking into account the advice of the Staffing & Accommodation Sub-Committee
- Matters of principle or policy
- All matters of capital expenditure in respect of items subject to the Uniform Project Management Process.
- Receiving all minutes approved by Committees
- Approval of application and renewal for the Local Council Award Scheme
- Nomination and appointment of representatives of the Council to any other authority, organisation or body
- 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 to adopt the General Power of Competence

Committee Chairs

6.1) Committee chairs are responsible for the direction and success of their committee's business. In addition to presiding over meetings and keeping order, committee chairs drive forwards business plans and help their fellow Members form a consensus on items of debate.

6.2) Committee chairs are empowered as the principal stakeholder of their committee and corporate strategy plans to undertake all necessary enquiries with officers on any matter relating to committee business. All officer communications relevant to committees should be considered in the first instance by its respective chair.

6.3) Committee chairs are entitled to a private meeting with the committee clerk to discuss and agree upcoming agenda papers for each committee meeting and may give direction as to the order of business and acceptance of written motions in accordance with standing orders, but may not exclude an item of business from a committee agenda that otherwise satisfies policy.

6.4) Committee chairs and vice chairs are entitled to attend the annual business planning meeting, (usually held in October) in accordance with the Council's adopted Business Planning Process and table early items of business for exploration ahead of committee adoption. Committee chairs and vice chairs are not obliged to partake in the business planning process.

Planning & Transport Committee

7.1) The Planning & Transport Committee serves to provide statutory consultation responses to the Local Planning Authority by reviewing all planning applications notified to it by the LPA. The Committee also shares in common with the Environment Committee an interest in all transport and traffic related matters where such matters relate to material infrastructure.

7.2) The Committee consists of 10 members appointed in accordance with political proportionality.

7.3) The Committee shall consider and determine the following matters:

- All statutory consultation notices received in respect of full planning applications, listed building consent applications and change of use.
- Plans and policy proposals received in relation to Minerals & Waste.
- Matters relating to the National Planning Policy Framework (NPPF)
- Matters relating to the Local Plan and its components.
- Matters relating to the Conservation Areas in Witham.
- Matters of national infrastructure including but not limited to the A12, A120 and Great Eastern Main Line (GEML).
- Any principal matters and correspondence relating to Neighbourhood Plans and recommendations from the Neighbourhood Plan Steering Group.
- Correspondence received from the Local Planning Authority in relation to administrative planning matters.
- Notifications of Tree Preservation Orders made by the District Council.
- Notifications of Traffic Regulation Orders.
- Notifications of decisions taken by the Local Planning Authority.

Community Committee

8.1) The Community Committee serves to respect the interests of Witham's local citizens in respect of anything that directly impacts the local community, including matters of community safety, civil amenity and provision of local services. The Committee also presides over the management of events and key stakeholder relationships.

8.2) The Committee consists of 10 members appointed in accordance with political proportionality.

8.3) The Committee shall consider and determine the following matters:

- Receive reports, recommendations and minutes from advisory committees and panels that may be appointed from time to time.
- All matters relating to the Council's CCTV network and general community safety surveillance.
- Management and oversight of the Council's Community Special Constable Scheme operated in partnership with Essex Police.
- Promotion of community safety awareness and advice to local citizens.
- Matters of public health.
- Matters concerning provision of community transport and bus shelters, but not infrastructure matters.
- Provision of Christmas decorations and celebrations, including Christmas Events.
- Provision of all Town Council run events including Community Day & Witham Puppet Festival, but not mayoral events, which are reserved for notification at Full Council only.
- Matters concerning youth engagement and opportunities.
- Support and oversight of the locally led 'Silver Cinema'.
- All matters relating to the management of allotment sites including the adoption of allotment policy, charges, rates, tenancies and Best Kept Allotment Competition.
- Management and authorisation of the Town Council's Grant Aid Scheme.
- Oversight of the Witham Information Centre including managerial statistics, provision of services and profitability.
- Matters relating to civic celebration, onetime events and Remembrance.

Environment Committee

9.1) The Environment Committee serves to respect the interests of Witham's local citizens in respect of anything that directly impacts the local environment, including matters of green and open spaces, and commonly shared infrastructure interests with the Planning Committee.

9.2) The Committee consists of 10 members appointed in accordance with political proportionality.

9.3) The Committee shall consider and determine the following matters:

- Receive reports, recommendations and minutes from advisory committees and panels that may be appointed from time to time.
- All matters relating to the Council's managed assets including the River Walk, Whetmead Nature Reserve, Closed Churchyard and James Cooke Wood.
- To receive and adopt management plans as recommended by the Open Spaces Management Sub-Committee.
- To preside over general asset management of furniture and assets located on open spaces including waste management.
- To consider matters in relation to climate and pollution.
- Management of all Town Council litter bins.
- To consider all matters in relation to trees, tree planting and the Councils closed 'Commemorative Tree Scheme'.
- To consider matters in relation to litter and any provisions included in the Environmental Protection Act 1990.
- To preside over the Council's programme of floral displays.
- To consider any matters in relation to the ongoing maintenance and management of the Council's fleet and equipment assets.
- To preside over the management of the Council's public conveniences.
- To preside over the management of the Council's street lighting inventory.
- To consider and adopt any policies that directly effect the management of open spaces.

Policy & Resources Committee

10.1) The Policy & Resources Committee serves to oversee the Council's financial position including matters relating to the management of budgets, reserves and cashflow. The committee is responsible for scrutiny and oversight of policies and making recommendations to the Council for amendments in Standing Orders & Financial Regulations.

10.2) The Committee consists of 10 members appointed in accordance with political proportionality.

10.3) The Committee shall consider and determine the following matters:

- All matters of policy adoption, amendment and approval, save for where a policy area is delegated to another committee or presided over by Full Council.
- Receipt of all budget reports for all standing committees.
- Receipt of cashbooks and bank reconciliations.
- Management and consideration of Town Council publications.
- Matters relating to the Mayor's Appeal.
- Receipt of relevant proposals for instructions and reports.
- All matters concerning income and expenditure in general, including analysis of the Council's long-term financial picture.
- Periodic review of the Council's 'Earmarked Reserves' and receipt of EMR reports.
- Scrutiny of administrative practice and deployment of resource.
- Matters relating to the Council's income including investment and hall hire returns.

Staffing & Accommodation Sub-Committee

11.1) The Staffing & Accommodation Sub-Committee serves to oversee matters relating to employment and staff member circumstances. Members who serve on this committee are party to sensitive, personal and confidential information and must take care to maintain confidence at all times. This sub-committee reports to the Policy & Resources Committee.

11.2) The Committee consists of 6 members appointed in accordance with political proportionality.

11.3) The Committee shall consider and determine the following matters:

- Receipt of a regular Performance & Monitoring Report from the Town Clerk as to staff morale, progress and project delivery.
- Welfare and reasonable adjustments for staff.
- Matters of long-term absence.
- All matters of a recruitment nature in accordance with the Recruitment Practice Note.
- Employment disputes and executive disciplinary measures as per the Staff Handbook.
- Receipt of Town Clerk's recommendations from the Annual Appraisal Process.
- Adoption of specific policies in relation to personnel matters.
- Review of the Council's Pay Policy Statement.
- Review of the Employer's LGPS Discretions policy.
- Review of the Staff Handbook.
- Scrutiny of the Town Clerk's performance and decision taking in relation to staff matters.

Open Spaces Management Sub-Committee

12.1) The Open Spaces Management Sub-Committee serves to oversee matters relating to the day to day management of all Council open spaces, and wider environment related issues to uncontrolled spaces. The group is also responsible for the creation and review of management plans. This Sub-committee reports to the Environment Committee. Duties include:

- Oversight of all key operations of Open Spaces under the control of the Town Council, including proposing new ideas and initiative.
- Considering wider projects and producing reports for consideration and endorsement by the Environment Committee.
- Composition and review of all management plans.
- Compliance with Green Flag Awards and government guidance.
- Review of the Council's open spaces strategies in general.
- Consideration of representations received from the public in relation to open spaces.
- Oversight of officer decisions and maintenance programme encompassing duties in relation to litter and general horticultural work including grass cutting regimes and street furniture maintenance (excluding highways street furniture and bus shelters).

Estimates Sub-Committee

13. 1) The Estimates Sub-Committee convenes once per year in January as part of the annual budgeting process to review all committee budget bids and perform a full oversight exercise of proposed draft budgets against assets, reserves and long-term financial forecasts and projections to ensure that the final budget recommendation to Full Council is evidenced, robust and fit for purpose. Duties include:

- Production and recommendation of a summary budget proposal to Full Council.
- Creation of a budget summary presentation and justification to be delivered to the Full Council budget-setting meeting.
- Recommendation of a precept level and band D calculation.
- Analysis of three-year financial forecasts against proposed business plans to ensure suggested finance levels are in accordance with business plan proposals.
- Review of all past committee expenditure to identify spending patterns, trends and areas for efficiency and improvements.
- Production of a three-year finance projection and projected reserve levels
- Review of the draft corporate strategy.

Advisory Committees (General)

14.1) Advisory committees are non-decision-making entities established by the Council and its standing committees from time to time as required. Advisory committees may exist in one of four prescribed formats:

- Working Groups (Ongoing handling of delegated perpetual business)
- Review Groups (Specifically designated the exploration of a single issue for report)
- Scrutiny Panels (Standing oversight panels of 3 members holding power of intervention)
- Steering Groups (Explorative, consultative and research bodies)

These committees exist to examine particular issues in depth in researching topics, informing itself of a particular issue and making recommendations to the Council by producing reports and suggestions to their parent committee or where appropriate, full council. Such committees have no set numbers **save for scrutiny panels, which consist of three Members only**, and need have no Members of the Council at all, but in all situations should be supported by a nominated officer of the Council as appointed by the Town Clerk. Advisory committees should be reviewed from time to time by their parent committee as to their effectiveness, purpose and scope of works, and each committee assigned terms of reference which are reviewed annually to ensure focus within their allocated remit.

14.2) Advisory committees are prohibited from making financial decisions under the Local Government Act 1972.

Financial Scrutiny Panel

15.1) The Financial Scrutiny panel meets twice a year and is led by a group of three Members. The purpose of the panel is to hold officer to account on their management of the Council's finances and compliance with internal control procedures, including implementing any points raised previous scrutiny reports, internal and external audit reports. The Scrutiny Panel holds the power of recommendation to the Policy & Resources Committee as to required changes in financial regulations or administrative procedures.

Complaints Panel

16.1) The complaints panel has no set Members, but exists in perpetuity to examine any complaints received under the Council's Complaints Procedure.

Editing Panel

17.1) The Editing Panel is an independent, non-meeting group of cross-party Members whose purpose is to examine draft copies of the Council's official newsletter, 'The Voice' for balance, content and form prior to being published. The editing panel is consulted by officers four times a year on each draft copy of The Voice.