



## **HORWICH TOWN COUNCIL - SCHEME OF DELEGATION AND TERMS OF REFERENCE FOR COMMITTEES**

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Under the Local Government Act 1972 s101, the Town Council has the power to arrange for the discharge of its functions by a committee, sub-committee or officer of the authority. This Scheme of Delegation authorises the Town Clerk who is the Proper Officer/Responsible Financial Officer of the Council and Committees to act with delegated authority in the circumstances detailed below.

### **1. Proper Officer**

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

- Receive declarations of acceptance of office
- Receive and record notices disclosing members' personal and prejudicial interests
- Receive and retain plans and documents
- Sign notices or other documents on behalf of the Council
- Sign summonses to attend meetings of the Council
- To sign on behalf of the Council any document to give effect to any decision of the Council
- Prepare agendas, consulting with the Chairman of Council or Committee/Sub Committee (as appropriate) wherever possible, before distribution
- Arrange and call all meetings of the Council and its Committees/Sub Committees
- Respond to requests made under FOI legislation
- Receive copies of by-laws made by the unitary authority and certify copies of by-laws made by the Council

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

- To manage the Council's facilities, property and assets
- Day to day administration of services, together with routine inspection and control
- Day to day supervision of all staff employed by the Council
- Authorisation to call extra meetings of any Committees/Sub Committees as necessary, having consulted with the Chair of the Council and/or the Chair of the appropriate Committee/Sub Committee
- Implement national pay awards and conditions of service in line with the National Joint Council Scheme of Conditions of Service as amended by local agreement
- To respond 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

- To act on behalf of the Council as a designated officer with respect to compliance with legislation
- To instigate and authorise the repair and maintenance of the Council's equipment, property or assets within the agreed budget
- Emergency expenditure up to a limit of £2,500 outside the agreed budget
- Make all necessary arrangements for the Council's insurances
- Communication with media and administration of Council's website and social media

### **Responsible Financial Officer**

The Town Clerk is also the Responsible Financial Officer to the Council and is responsible for the proper administration of the Council's financial affairs in accordance with the Accounts and Audit Regulations in force at any given time and as such is specifically authorised to:

- Operate the Council's banking arrangements
- Pay all accounts properly incurred
- Pay all subscriptions to organisations to which the Council belongs
- Make all necessary arrangements for the provision of an internal and external audit service for the Council
- Incur expenditure on revenue items within the approved estimates and budgets
- Enter into leasing and contract hire agreements for the acquisition of equipment on such terms that are considered appropriate
- Carry out administrative transfer of sums between cost centres in accordance with the Council's Financial Regulations
- Manage investments
- Authorise action for the recovery of debts and write-off debts up to the value set by the Council, if required
- Maintain a Register of Assets and inventory of equipment

***NB. When the Town Clerk is absent, the Deputy Town Clerk will act on their behalf***

## **2. The Council**

Council meets on the second Monday (except for July) and third Thursday of every month and the Annual Meeting of the Council takes place in May. The full Council (14 members) can take all decisions for the discharging of its functions, or it may appoint appropriate Committees to make recommendations for Council's consideration or may also delegate some of its functions to the officer(s) of the Council.

The following matters are reserved for the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations for the Council to approve:

- Setting the precept
- Borrowing money
- Approval of the Council's annual accounts and completion of the annual return (AGAR)

- Making, amending or revoking Standing Orders, Financial Regulations or the Scheme of Delegation
- Making of orders under any statutory powers
- Making, amending or revoking by-laws
- Approval and adoption of matters of principle or policy
- Nomination and appointment of representatives of the Council to any other authority, organisation or body (excluding conferences, events or meetings)
- Any proposed new undertakings
- Prosecution or defence in a court of law
- Nomination or appointment of representatives of the Council at any enquiry on matters affecting the Parish, excluding those matters specific to a committee
- Matters relating to the Council's Code of Conduct
- Matters relating to the Council's complaints procedure
- Approval of the annual report and arrangements for its publication
- Approval of special dispensations (for member's non-attendance due to health or personal reasons)
- Matters relating to Council vacancies
- Approval of annual schedule of meetings
- Matters relating to legislative changes and other allied consultations having an impact on the Council

At the meeting on the second Monday of every month, Council discusses matters of finance and governance as follows:

- Approval of its minutes as a true and correct record
- Approval of list of expenditure
- Budgetary control and management of the Council's financial affairs
- Recommendations of financial requirements
- To consider annual estimates of income and expenditure, including the provision for capital expenditure and the draft budget
- To receive reports from members and/or the Town Clerk on new projects and initiatives and consider approval of recommendations
- To receive the quarterly budget review report from internal audit
- To approve the minutes and recommendations of sub committees and reports from working groups and consider any financial implications before implementation
- To advise Council on any such matters as Council may, from time to time, remit to it
- To review and recommend the Council's risk management strategy on an annual basis
- Policy formulation or changes

At the meeting on the third Thursday of every month, Council discusses the following matters:

- Approval of its minutes as a true and correct record
- Approval of list of expenditure

- The Committee has delegated authority to submit comments on all planning matters to include parish planning applications, listed building consent, advertisement consent, other approvals and consultations
- To consider and comment on all applications for planning approval and ensure these are passed on to the LPA
- To consider and respond to any proposals for development that will affect the Parish

### 3. Sub- Committees

The following sub committees meet when required and usually take place during the day, a minimum number of three members are required for decision making, terms of reference are as follows:

**Staffing Sub Committee** makes recommendations on the following matters which are presented to the Council for decision:

- Development and review of HR strategy including policies and procedures
- Staffing levels and structure
- Job descriptions, person specifications
- Staff recruitment, selection and vetting
- Determining or reviewing staff conditions of service, general terms of employment, leave entitlement including annual holiday, sickness, statutory entitlements and special leave
- Salary reviews, staff pension provision and working hours
- Sickness absence management
- Staff performance reviews/appraisals, including salary grading and pay
- Complaints procedure
- Operation of the Council's disciplinary, grievance and appeal procedures
- Operation and review of Council's employment policies
- Make appropriate recommendations to Council for ratification
- To advise Council on any such matters as Council may remit to it
- Staffing Sub Committee minutes should be presented to Council as a private and confidential matter and should contain only the decision that was made and employees should not be referred to by name. Under GDPR personal data about employees should not be disclosed to full Council

**Community Centre Sub Committee** meets as required (usually 3 – 4 times a year) to consider and make recommendations on:

- The strategic planning and management of the Centre
- Formulation of an income and expenditure budget for the next financial year
- Expenditure for required maintenance of and improvements to the Centre
- The setting, on an annual basis, of rental rates for groups using the Centre facilities
- All matters relating to the terms and conditions of use of the Centre

**Finance Review Sub Committee** meets annually to formulate recommendations for the draft budget for the next financial year and may also meet to discuss other financial matters:

- Budget setting and precept
- Formulation of budget policy for presentation to Council
- Formulation of forward planning and strategy

**Grants Sub Committee** meets three times a year (March, June and October) to consider applications for small grants (under £500) from voluntary/community groups that are located in, or serve the residents of Horwich. Recommendations are presented for approval at the next meeting of the Council. Applications for amounts larger than £500 are referred to full Council for consideration.

**Civic Awards and Civic Signs Sub Committee** meets every two years to consider nominations for civic medals and annually to consider nominations for civic plaques from the public, with recommendations presented for approval at the next meeting of the Council

#### **4. Advisory and Steering Groups and Working Parties**

These include Environmental Improvements, Sports Advisory, Events, Website, are sometimes set up for short-term purposes and may include members of the public. Staff do not have to be present as there is no requirement for formal minutes, however recommendations shall be presented to Council for approval.

The terms of reference for all Advisory/Steering Groups/Working Parties are:

- To co-ordinate views from councillors and the community
- To assess the feasibility of any options/proposals
- To obtain outline costs of options/proposals
- To identify any action(s) required to implement options/proposals
- To report back to Council with options/proposals for consideration.

#### **5. Urgent Matters**

In the event of full council interruption which requires an urgent decision, the Town Clerk shall consult with the Chair of the Council. Whenever action is taken in this way, full details of the circumstances justifying the urgency and of the action taken, shall be submitted in writing to the Council at the next appropriate meeting of the Council.

#### **6. Limitations of Delegation**

Sub Committees and Officers shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations and 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.

