
Scheme of Delegation

Westerham Town Council

Reviewed by F&GP

29/06/2020

01/07/2024

Approved by Council

20/07/2020

08/07/2024

REVIEWED 4 YEARLY

Review date June 2028

SCHEME OF DELEGATION

By this Scheme of Delegation, the Council in pursuance of its powers under section 101 of the LGA 1972 Local Government Act and in pursuance of its powers under section 15 of the LGA 2000 Local Government Act and to the extent of their respective powers authorises the Proper Officer and Responsible Financial Officer, Standing Committees of the Council to act with delegated authority in the specific circumstances detailed.

The intention of the delegation scheme is that the Council should act with all reasonable speed. Decisions should be taken at the most suitable level and that officers are given power over the day to day administration of the Council.

Proper Officer and Responsible Financial Officer - Duties and Powers

1. Responsible Financial Officer

The Responsible Financial Officer shall be responsible for the Town Councils accounting procedures in accordance with the Council's Financial 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 Sign and issue summonses to attend meetings of the Council
- 2.1.6 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)**
- 2.1.7 Convene a meeting of the Council for the election of a new Chairman of the Council.**

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 Authorisation of routine expenditure within the agreed budget.
- 2.2.4 Emergency expenditure up to £2,000 outside of the agreed budget.

2.3 Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and Committee Terms of Reference with directions given by the Council from time to time.

2.4 To give Delegated Authority to Council Officers to make decisions on behalf of their Committees, in the case of the Proper Officer full Council, on urgent matters between meetings. These decisions are to be made after consultation with Committee members/Council.

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.

- 3.1.1 Setting the Precept
- 3.1.2 Borrowing money
- 3.1.3 Making, amending, or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
- 3.1.4 Making, amending, or revoking By-laws
- 3.1.5 Making of Orders under any Statutory powers
- 3.1.6 Matters of principle or policy
- 3.1.7 Nomination and appointment of representatives of the Council to any other authority, organisation, or body (excepting approved Conferences or meetings)
- 3.1.8 Any proposed new undertakings
- 3.1.9 Prosecution or defence in a court of law
- 3.1.10 Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee
- 3.1.11 Approving the annual return
- 3.1.12 Confirming eligibility to exercise the General Power of Competence

4. Standing Committees

4.1 **The Finance and General Purposes Committee (F&GP)** 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
- Partnership Working
- Grants and Donations (A trial will take place whereby F&GP recommend to Council)
- To make recommendations to Council on the Budgets of all

Standing Committees.

- All matters relating to Staff.
This Committee may decide that it wishes to refer such matters to the Council for final decision, subject to the matters reserved for final decision for legal reasons
- General Administration
- Any other matter which may be delegated to it by the Council from time to time
- Maintenance and repair of Russell House owned by the Council
- Hearings and dealings with Grievance and Disciplinary matters
In accordance with the WTC's Grievance and Disciplinary Policy and Procedures
- Salaries
- Conditions of Service
- Staff levels
- Consideration of staffing reviews

It is vital that all matters relating to Disciplinary and Grievances hearings are kept confidential, because if an Appeal against a decision is received it must, legally and in the interests of fairness, be heard again by elected members with no prior knowledge of the case.

In order to ensure as far as possible that such matters as Appraisal, Grievance, Disciplinary and Capability issues are dealt with professionally and in accordance with Employment legislation, all members of the F&GP Committee must agree to undertake training in these matters.

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

- Setting the Budget and Precept

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

4.2 The Allotments, Playing Fields and Open Spaces Committee (APFOS) shall be delegated to make decisions on behalf of the Council in the following matters:

- Playing Fields and Amenity Areas
- Footpaths and Bridle Ways
- Maintenance of Amenity land
- Maintenance and repair of all the pavilions, bus shelters owned by the Council
- Maintenance of trees on WTC land
- Environmental Matters
- Town floral displays

- Maintenance of street furniture on WTC land

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 the set budget in any given financial year
- Any other matter which may be delegated to it by the Council from time to time

4.3 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
- Street Naming
- Licensing Matters
- Any other matter which may be delegated to it by the Council from time to time
- To comment 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.

4.4 The Highways and Lighting Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- Maintenance of WTC streetlights
- Monitor and review street lighting electricity contract

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

- Setting the Budget and Precept

4.5 The Youth and Community Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- Fairs
- Events and Carnivals
- Tourist Information Point
- Public toilet
- Local Democracy
- Community Safety including CCTV

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

- Setting the Budget and Precept

5 Sub-Committees

A Standing Committee may, if it believes 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. Single Issue or Time Bound Committees may not appoint sub-committees without a specific authorisation from the Council.

The Human Resources Sub-Committee will report to Finance and General Purposes Committee. Its membership shall be decided by F&GP and it will meet as necessary. It shall consider and recommend the following matters:

- Recruitment of staff and consultants
- Staff terms and conditions including salaries
- Discipline and grievance procedures
- HR Policies

6 Working Groups/Parties

6.1 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.

7. Delegation - Limitations

7.1 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, By-laws or orders made and with any directions given by the Council from time to time.

7.2 The Town Council does not have the power to delegate a decision to an individual Councillor

7.3 A Committee may refer matters on which it has delegated authority to the Council for a final decision if it so wishes.

8. Attendance of Members at Committee meetings

All Councillors have an absolute right to attend any Committee meeting. The Chair of the Committee has at his absolute discretion the right to allow a non-member to speak. As a courtesy and if possible, a non-member is required to notify the Chair in advance if they wish to speak on an agenda item.

9. Transparency and Confidentiality

The Council believes in open and transparent governance wherever possible. However, a Committee has the right to exclude the press and public as per Public Bodies (Admission to Meetings) Act 1960 ss1&2 during any part of a meeting due to the special or confidential nature of the business to be transacted. With the exception of the Human Resources Sub-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 Human Resources Sub-Committee, the item is of a particularly sensitive or confidential nature, non-member Councillors 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.