



Wilton Town Council

Scheme of Delegation and Terms of Reference for Committees

Report of the Town Clerk



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Legal context

Under s101 (1), (5) and (6) of the Local Government Act 1972, a parish or town Councils may arrange for any of its functions to be discharged by a committee, sub-committee or officer.

The purpose of this report

Wilton Town Council has established committees to discharge certain functions on behalf of the Council. This report seeks to review, strengthen and simplify the existing scheme of delegation and to remove the inherent duplication.

Report Author: Town Clerk

9th May 2019

Introduction

1. In accordance with the powers conferred upon it by s101 (1), (5) and (6) of the Local Government Act 1972, Wilton Town Council has arranged for certain functions to be discharged by its committees and the Town Clerk.
2. Decisions are delegated to committees and officers to expedite the efficient delivery of the Council's functions.
3. It is apparent that the current scheme of delegation results in some duplication and lacks clarity regarding where certain responsibilities should rest.
4. This report seeks to review, strengthen and simplify the existing scheme of delegation and to remove the inherent duplication.

Matters reserved to the Full Council

5. The following matters are reserved to the Council for decision, notwithstanding that the appropriate committee(s) may make recommendations for the Council's consideration.
 - (a) Setting the Town Precept and adopting the Budget
 - (b) Approving any virement between budgets (exceeding £2,000)
 - (c) Borrowing money
 - (d) Setting fees and charges
 - (e) Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of

- Delegation
- (f) Making, amending or revoking by-laws
 - (g) Making of orders under any statutory powers
 - (h) Matters of principle or policy
 - (i) Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings)
 - (j) Any proposed new undertakings
 - (k) Prosecution or defence in a court of law
 - (l) Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to a committee
 - (m) The adoption of a Neighbourhood Plan

Committees

6. Currently the Council has three committees:

- (a) Finance and General Purposes Committee
- (b) Amenities and Planning Committee
- (c) Staffing Committee

7. There is some duplication between the Finance and General Purposes Committee and the Amenities and Planning Committee. Therefore it is recommended that a new scheme of delegation should be adopted to clarify the roles and responsibilities of each. To assist, it is proposed that the names of the Committees are changed to more clearly distinguish between them:

- (a) Policy and Resources Committee (previously F&GP)
- (b) Environment and Amenities Committee (previously A&P)
- (c) Staffing Committee to remain unchanged

8. Certain functions shall be common to all committees:

- (a) To be responsible for compiling its annual budget (subject to adoption by the Full Council)
- (b) To assess and budget for future maintenance, replacement or upgrading of items for which it is responsible.
- (c) Monitoring its annual budget to avoid over/underspends.
- (d) To set aside 'ear-marked' funds for larger items of expenditure or future commitments.
- (e) To authorise expenditure in accordance with the budget adopted by the Council
- (f) Approving virements within its approved budget up to a maximum of £2,000 per item.
- (g) To keep under review those matters within its terms of reference including the policies and procedures adopted by the Council.
- (h) To expedite decisions in accordance with the Council's ambitions and objectives
- (i) To submit comments on planning applications

Policy & Resources Committee

9. The Policy and Resources Committee shall have the following delegated functions:

- (a) To oversee the financial and administrative management of the Council, including:
 - i. Preparation of the annual budget for adoption by the Council
 - ii. Audit and internal control
 - iii. Insurance and risk
 - iv. Performance management
 - v. Corporate governance
 - vi. Legal compliance

- (b) To review Council policies and procedures and to make recommendations to the Council thereon.
- (c) To review fees and charges and to make recommendations to the Council thereon.
- (d) To keep under review electoral arrangements
- (e) To seek to promote the local economy and support the economic development of the Town
- (f) To promote community safety and address crime, disorder and anti-social behaviour
- (g) To maintain strategic partnerships with local organisations and to promote partnership working.
- (h) To oversee the preparation and adoption of the Wilton Neighbourhood Plan
- (i) To promote community development through grants and financial assistance
- (j) To oversee the Council's property portfolio, leases and assets and to oversee any negotiations with Wiltshire Council regarding the transfer of assets and services.
- (k) To promote community engagement and maintain effective communications

Environment and Amenities Committee

10. The Environment and Amenities Committee shall have the following delegated functions:

- (a) To manage the services and amenities provided by the Council, including:
 - i. Bulbridge, Minster Street and Wishford Road Recreation Grounds and associated play equipment, benches and shelters
 - ii. The Castle Meadow Recreation Ground and Sports Pavilion
 - iii. Old St Mary's Churchyard
 - iv. The Council Offices
 - v. The Cemetery
 - vi. The Market Place and South Street car parks
 - vii. Christmas Tree and Lights
 - viii. Market Place hanging baskets and tubs,
 - ix. Public toilets in Greyhound Lane
 - x. Allotments
 - xi. Bus Shelters
- (b) To manage the grounds maintenance and civic amenities contracts
- (c) To operate and maintain the cemetery, burial responsibilities and associated duties
- (d) To promote the health and wellbeing of residents in the Town
- (e) To promote sports and leisure opportunities
- (f) To be responsible for transport and highways matters
- (g) To promote walking and cycling and to be responsible for footpaths and cycleways
- (h) To be responsible for flooding and emergency planning
- (i) To be responsible for green initiatives, including biodiversity, sustainability, climate change, litter, trees and wildlife areas
- (j) To promote and be responsible for the Wilton in Bloom campaign
- (k) To be responsible for festivals and public events promoted by the Council (including the Christmas Lights).

Staffing Committee

11. The Staffing Committee shall have the following delegated functions:

- (a) To deal with personnel matters including those allocated to the committee by the Council's Grievance and Disciplinary Procedures.
- (b) To operate the Council's flexible working policy and to consider requests received from staff.
- (c) To appoint staff (other than the Clerk) and determine and review their terms and conditions of employment.

- (d) To undertake an annual salary review for Town Council employees, giving due regard to staff development and NALC guidelines.
- (e) To review and recommend training of staff as appropriate in order for them to fulfill their duties
- (f) To prepare a staff induction and training programme for new Councillors

Town Clerk and Responsible Financial Officer

12. The Responsible Financial Officer to the Council shall be responsible for the Town Council's accounting procedures in accordance with the Accounts and Audit Regulations
13. The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:
 - (a) To receive declarations of acceptance of office.
 - (b) To receive and record notices disclosing personal and prejudicial interests.
 - (c) To receive and retain plans and documents.
 - (d) To sign notices or other documents on behalf of the Council.
 - (e) To receive copies of by-laws made by the unitary authority.
 - (f) To certify copies of by-laws made by the Council.
 - (g) To sign summonses to attend meetings of the Council.
14. In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:
 - (a) The day to day administration of services, together with routine inspection and
 - (b) control.
 - (c) Day to day supervision and control of all staff employed by the Council.
 - (d) Authorisation of routine expenditure within the agreed budget.
 - (e) Emergency expenditure up to £20,000 outside the agreed budget.
15. The delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.

Other Committees, sub-committees or working parties

16. Other standing committees, and sub-committees may be formed by resolution of the Council at any time and delegated powers may be decided upon at the time the committee is formed by means of a minute detailing the terms of reference.
17. 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.
18. Each working group/party will report back with recommendations to the Council or the committee that formed it.

Urgent Matters

19. In the event of any matter arising which requires an urgent decision the Town Clerk shall consult the Chairman and Vice Chairman of the Policy & Resources Committee and with the concurrence of those member(s) shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
20. Before exercising the delegated powers granted by paragraph 19 above, the Town Clerk and those

members consulted shall consider whether the matter is of sufficient interest to justify the summoning of a special meeting of the appropriate committee and where a meeting is so summoned the committee concerned shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.

21. Before exercising the delegated powers granted by paragraph 19 above, the committee concerned shall consider whether the matter is of sufficient import to justify recommending to the Mayor that a special meeting of the Council should be called.
22. Any action is taken under this Standing Order must be recorded in writing and made available for inspection by any member of the Council. Full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next available meetings of the Committee concerned and of the Council.

Delegation – Limitations

23. 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 policies, rules, regulations, schemes, statutes, by-laws or orders made and with any directions given by the Council from time to time.