

Committee	FULL COUNCIL
Date	15 December 2021
Agenda Item	12a

To consider an update to the Scheme of delegation in line with proposed changes to Standing orders

Under current arrangements, it is possible for all Council business to be in the hands of a very small number of the 12 elected councillors, and for the committee and working groups to be made up of the same councillors. In order to regularise the distribution of responsibility at the council, as already noted in proposed change to Standing Orders, it is recommended that the changes in red below are made to the Scheme of Delegation.



Halstead Town Council

Scheme of Delegation

Introduction

The Council's Scheme of Delegation authorises the Clerk to the Council, Responsible Finance Officer and Standing Committees to act with delegated authority in specific circumstances detailed below.

The power to delegate functions by local councils is set out in the Local Government Act 1972 s101.

This document is presented to clarify the manner in which Halstead Town Council has delegated its powers and the authority to spend.

Proper Officer

The Town Clerk 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 personal and prejudicial interests;
- Undertake the day-to-day administration of the Council;
- Sign notices or other documents on behalf of the Council;

- Update and manage the Council's website and social media;
- Receive copies of by-laws made by the Local Authority;
- Certify copies of by-laws made by the Town Council; and
- Acknowledge and respond to all complaints regarding the Council.

The Clerk may from time to time delegate functions to other staff members. Such delegated actions 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.

Responsible Financial Officer (RFO)

The RFO to the Council is responsible for the Council's accounting procedures and financial records and is accountable for the proper administration of its finances, in line with the current Accounts and Audit Regulations and the Council's adopted Financial Regulations.

The functions and duties of the RFO are set out in the job description for the post and cannot be delegated.

Council

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.

- Setting the precept;
- Borrowing money;
- Making, amending or revoking standing orders, financial regulations or this scheme of delegation;
- Making, amending or revoking by-laws;
- Making of orders under any statutory powers;
- Matters of principle policy;
- Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings);
- Any proposed new undertakings;
- Prosecution or defence in a court of law; and
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town Council, excluding those matters specific to a committee.

The make-up of committees and working groups of the council should be such as to make full use of the abilities of all 12 councillors, and to ensure that any groups formed contain a wide range of different councillors, to distribute responsibility democratically between the 12 people.

Finance

The lead and deputy lead members for Finance shall review, consider and advise Full Council on financial matters.

Planning

The lead and deputy lead members for Planning shall review, consider and advise Full Council on the planning matters.

Staff Advisory Committee

The Staff Advisory Committee shall consider the following matters and make recommendations to Full Council:

- To hold at least 4 meetings per year on dates to be scheduled in advance
- Initially explore staffing matters; and report to Full Council
- Fill vacancies and appoint staff as directed by Full Council
- Review contracts of employment, employment policies, job specifications and rates of pay to report back to Full Council
- Appoint a sub-committee to deal with grievances/disciplinary issues, and carry out the annual appraisal of the Clerk as directed by Full Council
- To manage training and the training budget, and report to Full Council
- To be aware of sources of expert advice on employment matters and ensuring that the council uses such sources when there is any doubt about good employment practice, and report to Full Council

To manage any issues referred to the committee by the Full Council

Events working group

The Events working group shall consider and advise on the following matters and report back to Full Council:

- The nature and detail of all free events to be put on by the Council for the residents of Halstead
- The planning of the events leaflet for each year

Limitations to Delegation

Committees and Officers shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegation and, where appropriate, any other rules, regulations, schemes, statutes, by-laws or orders made and with any directions given by the Council from time to time.

The Council may delegate powers to make additional decisions on individual items to the Proper Officer and its Committee as and when appropriate.

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