

Committee	ANNUAL TOWN COUNCIL MEETING
Date	9 May 2022
Agenda Item	6

The changes and additions to the Scheme of Delegation are intended, along with the additions to the Performance Management Policy, approved in April 2022, to reflect the discussions had and decisions taken at meetings in 2021, in order to improve the way the Council functions and to make provision for action in the case of future disputes or grievances.

These proposals are intended to ensure that responsibility is spread equally among the 12 elected councillors. There are significant changes proposed to the composition and responsibilities of SAC, in order to ensure that responsibility for all matters at Council is not held by a small number of councillors.



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.

Finance

The lead and deputy lead members for Finance shall review, consider and advise Full Council on financial matters. **These are appointed annually at the Annual Town Council meeting**

Planning

The lead and deputy lead members for Planning shall review, consider and advise Full Council on planning matters. **These are appointed annually at the Annual Town Council meeting**

Staff Advisory Committee appointed annually at the Annual Town Council meeting

Terms of reference

1. Membership: 5 councillors, not including Chairman and ViceChairman of Council, maintaining a political balance; if a committee member leaves a committee during the year, Full Council has the authority to appoint a substitute member to maintain balance on the committee.
2. Composition: elected members of the council who are not members of the appeals committee
Ex-officio members (currently Chairman and Vicechairman of council)
Chairman and Vicechairman: elected by the committee
3. Attendees: Town clerk and those members elected
4. Quorum: 3 councillors
5. Frequency of meetings: quarterly, but additional meetings may be called
6. Summary of purpose. The committee shall consider the following matters and make recommendations to Full Council:
 - 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
 - manage training and the training budget, and report to Full Council
 - 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
 - manage any issues referred to the committee by the Full Council
 - **Appoint an Appeals committee which will consist of 3 councillors not already members of SAC, but to be selected by SAC, and to deal with any staff matters which cannot be satisfactorily resolved by SAC.**

Events working group appointed every 4 years after the elections

Terms of reference

1. Membership : 5 councillors maintaining a political balance
2. Composition: elected members of the council
Ex-officio members (currently Chairman)

- Chairman and Vicechairman : elected by the committee
3. Attendees: Town clerk and those members elected
 4. Quorum : 3 councillors
 5. Frequency of meetings : as required to organise events
 6. Summary of purpose: 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

Community Centre working group - appointed every 4 years after the elections

1. Membership : 5 councillors maintaining a political balance
 2. Composition: elected members of the council
Ex-officio members (currently Chairman)
Chairman and Vicechairman : elected by the committee
 3. Attendees: Town clerk and those members elected
 4. Quorum : 3 councillors
 5. Frequency of meetings : as required
 6. Summary of purpose: The Community Centre working group shall consider and advise on the following matters and report back to Full Council:
- The use of the land donated to the Community Centre Trust for the establishment of a new Community Centre

Halstead in Bloom Partnership - appointed every 4 years after the elections

Terms of reference

1. Membership for partnership meetings of HiB : Town Clerk and 2 HTC councillors
2. Composition: members of HiB, representatives and officers of participating councils, BDC and ECC
3. Frequency of meetings : every 2 months as decided by HiB
4. Summary of purpose : to work in collaboration in keeping Halstead Town looking clean, tidy and well maintained, to provide attractive and clean streets, neighbourhoods and open spaces that enhance the wellbeing and quality of life for all its residents and visitors to the town.

Agendas and reports for discussion for all committees and groups and Minutes should be shared with all councillors

Appointments to outside bodies - appointed every 4 years after the elections

Halstead Town Council makes appointments to outside bodies to assist those organisations

1. Travel Aid for parents of sick children (TAPS) – 2 councillors
2. Halstead Needy Sick & Edith Rachel Sudbury Fund – 2 councillors
3. Braintree Association of Local Councils – 1 councillor
4. Friends of Halstead Public Gardens – 1 councillor
5. Courtaulds Sports ground management committee – 3 councillors
6. Emergency planning representative – 1 councillor
7. Halstead History Society – 2 councillors

8. Public Transport representative – 1 councillor
9. Halstead Action Promoting Positive Youth (HAPPY) – 1 councillor
10. Earls Colne Educational Trust – 1 councillor
11. Empire Theatre Trust– 2 councillors
12. Essex child and family wellbeing Service – 1 councillor
13. Chamber of commerce – 1 councillor

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.

Halstead Town Council

May 2022 Review May 2025

Recommendation : that HTC adopts the updated Scheme of Delegation

 Sarah Greatorex Town Clerk