



# SCHEME OF DELEGATION 2023

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer, Standing Committees and Sub-Committees of the Council to act with delegated authority in the specific circumstances detailed.

## 1. Responsible Financial Officer

The Responsible Financial Officer to the Council shall be responsible for the Parish Council's accounting procedures in accordance with the Accounts and Audit 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:

- (1) To receive declarations of acceptance of office.
- (2) To receive and record notices disclosing personal and prejudicial interests.
- (3) To receive and retain plans and documents.
- (4) To sign notices or other documents on behalf of the Council.
- (5) To receive copies of by-laws made by the unitary authority.
- (6) To certify copies of by-laws made by the Council.
- (7) To sign summonses to attend meetings of the Council.

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

- (1) The day-to-day administration of services, together with routine inspection and control.
- (2) Day to day supervision and control of all staff employed by the Council.
- (3) Authorisation of routine expenditure within the agreed budget.
- (4) Emergency expenditure up to £2,000 outside the agreed budget.
- (5) Respond to Freedom of Information requests (to meet 20-working days response deadline).

**2.3** 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.

## 3. Council

**3.1** The following matters are reserved to the Council for decision, notwithstanding that the appropriate committee(s) may make recommendations for the Council's consideration.

- (1) Setting the Precept;
- (2) Borrowing money;
- (3) Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
- (4) Making, amending or revoking by-laws;
- (5) Making of orders under any statutory powers;
- (6) Matters of principle or policy.
- (7) Nomination and appointment of representatives of the Council to any other authority,

- organisation or body (excepting approved conferences or meetings);
- (8) Any proposed new undertakings;
  - (9) Prosecution or defence in a court of law;
  - (10) Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.
  - (11) Confirming the appointment of the Clerk
  - (12) All other matters, which must, by law, be reserved to the Full Council

#### **4. Committees**

**The matters listed below are delegated to the Council's committees, sub-committees and working groups. They must be exercised in accordance with law, the Council's Standing Orders and Financial Regulations and approved policy framework and may only be exercised where sufficient budgetary provision exists or can be vired from within the approved budget of the Committee concerned.**

**Where a sub-committee or working group in lieu of exercising its delegation refers a matter to its parent committee the delegation is exercisable by the committee. Nevertheless the committee may decide not to exercise this delegated power and may instead make a recommendation to the Council.**

**4.1 The Finance & General-Purpose Committee shall consider and determine the following matters:**

- 4.1.1** Advise the Full Council on the financial aspects of the Council ensuring good governance arrangements during the year. In particular they must demonstrate the accounts have been properly prepared and approved.
- 4.1.2** To ensure there is a system of internal control in place.
- 4.1.3** To ensure the Council has taken reasonable steps to comply with the law.
- 4.1.4** To ensure the accounts have been published for general inspection so that electors' rights can be exercised.
- 4.1.5** To ensure the Council has assessed all possible risks to public money.
- 4.1.6** To ensure there are no potentially damaging or hidden issues such as an impending claim against the Council.
- 4.1.7** To ensure significant differences in the figures from the previous year will be explained.
- 4.1.8** To ensure the Council has properly managed any Trust Funds.
- 4.1.9** To consider the annual and supplementary estimates of budgets and make appropriate recommendations to the Council.
- 4.1.10** To recommend the Precept requirement to Full Council for approval.
- 4.1.11** To be responsible for reviewing and updating Policies and making recommendation to Full Council.
- 4.1.12** To review on an annual basis the Council's adopted Financial Regulations for managing all aspects of Council's finances and recommend any amendments as appropriate for adoption by Full Council.
- 4.1.13** To monitor the annual budget against expenditure and make recommendations to Full Council and Committees.
- 4.1.14** To authorise the schedule of payments and receipts.
- 4.1.15** To make recommendations to Full Council in respect of financial irregularities.
- 4.1.16** To make recommendations to Full Council on borrowing contracts and loan sanction.
- 4.1.17** To monitor all funds and investments.
- 4.1.18** To receive the report from the Auditor and make recommendations to Council.
- 4.1.19** To institute legal proceedings for the recovery of debts and write off bad debts.
- 4.1.20** To ensure the insurance is reviewed and settle claims as advised by the Council Insurers.
- 4.1.21** To consider and make recommendations to Full Council in respect of the acquisition or disposal of land.

- 4.1.22 To be responsible for all administrative buildings, i.e. Council Offices, Market Square.
- 4.1.23 To consider the financial implications of the Council's responsibilities arising from any non-budgeted recommendations of its committees.
- 4.1.24 To oversee the running of the Highworth Saturday Market.
- 4.1.25 To appoint a qualified Internal Auditor to carry out an Internal Audit on an annual basis and to provide all the relevant information to satisfy the Audit Commission at the year-end for external audit purposes.
- 4.1.26 To be responsible for the setting of all Fees and Charges in relation to Highworth Leisure and the sub-letting of Highworth Community Room.
- 4.1.27 To promote closer working relations and develop partnerships with Swindon Borough Council, other relevant statutory bodies, Local Clubs, Organisations and Societies.
- 4.1.28 To provide appropriate support to implement all improvement projects undertaken by Highworth Town Council.
- 4.1.29 To monitor, develop and amend the Highworth Town Council Freedom of Information Policy.
- 4.1.30 To set all Cemetery Fees.
- 4.1.31 To be responsible for the drawing up, updating and application of byelaws for the Allotments & Cemeteries.
- 4.1.32 To work in partnership with all the appropriate funding bodies to help to provide, improve and upgrade recreational and open space facilities for the benefit of Highworth.
- 4.1.33 To select from its Membership a person or persons to represent Highworth Town Council at appropriate Meetings and public enquiries to represent Highworth Town Council's previously agreed views on matters that are the direct responsibility of the Finance Committee.

#### 4.2 The **Environment & Leisure Committee** shall consider and determine the following matters

- 4.2.1 To oversee the management, maintenance and upkeep of the Cricklade Road Cemetery.
- 4.2.2 To oversee the management, maintenance, upkeep, and improvement of the allotment sites.
- 4.2.3 To oversee the land leased or owned by HTC, consisting of the Upper and Lower Rec, Barra Close Field, Northview Open Space, the Town Green, Town Gardens, Crane Furlong Open Space, Allotments, The Chapel and Cemetery in Cricklade Road, Brewery Street Car Park, Public Toilets and Depot, The Rec Car Park and Home Farm Garage Depot.
- 4.2.4 To develop, oversee, and promote all projects that relate to the upgrading and improvement of the Allotments and Cemetery facilities.
- 4.2.5 To be responsible for overseeing the Council's Health & Safety Policy in all areas that the Committee manages and controls.
- 4.2.6 To be responsible for ensuring the grass and hedge cutting of all areas of the Town.
- 4.2.7 To be responsible for the daily cleaning of commercial areas, High Street, Swindon Street and Newburgh Place and litter clearance across the Town.
- 4.2.8 To work in partnership with the Police and Community Officers to help to alleviate anti-social behaviour and vandalism in and around the leisure facilities under the control of the Committee.
- 4.2.9 To investigate ways of increasing recycling opportunities within the leisure facilities.
- 4.2.10 To actively promote and encourage sporting and recreation ventures within the leisure provision of the Council and to liaise with all relevant sporting organisations as appropriate.
- 4.2.11 In line with HTC Climate Emergency Resolution, actively encourage and promote initiatives and lifestyle changes that can lead to a reduction in carbon emissions.
- 4.2.12 To actively promote all the Environmental and Health aspects and benefits of a healthy lifestyle in line with our Climate Emergency Resolution. Actively encourage and promote initiatives and lifestyle changes that can lead to a reduction in carbon emissions.
- 4.2.13 To develop additional provision for specific target groups within Highworth including the young and the elderly.
- 4.2.14 To promote where appropriate cultural and civic events within Highworth and arrange public entertainment as directed by the Council.
- 4.2.15 To proactively support the development of events on open spaces and identify opportunities to hold events run and managed by the Council within its open space.

- 4.2.16 To work in partnership with all the appropriate funding bodies to help to provide, improve and upgrade recreational and open space facilities for the benefit of Highworth.
- 4.2.17 To actively promote all the environmental aspects, including biodiversity and benefits of recreational open spaces in Highworth.
- 4.2.18 Either directly or in partnership, provide, maintain, and replace street furniture including seating and litter bins as deemed appropriate.
- 4.2.19 To actively liaise with the relevant departments of Swindon Borough Council in all matters relating to open spaces.

**4.3 The Planning Committee** shall consider and determine the following matters:

- 4.3.1 Act as a Statutory Consultee on behalf of Highworth in all planning matters related to the town.
- 4.3.2 Exercise the Powers and Duties of Highworth Town Council, in respect of the Powers conferred to it from time to time under the Town and Country Planning Acts and the Orders and Regulations made under them.
- 4.3.3 Decide Highworth Town Council's responses to consultations on planning applications received from Swindon Borough Council on statutory and non-statutory Planning policy documents.
- 4.3.4 Select from its Membership a person or persons to represent Highworth Town Council at site meetings, public enquires and at any planning or highway related group or organisation to represent Highworth Town Council's previously agreed views.
- 4.3.5 Consider and take action on all matters that are of a general nature relating to the Town and Country Planning Acts and Legislation.
- 4.3.6 Consider the effects of developments on the public transport system.
- 4.3.7 Ensure careful scrutiny and monitoring regarding the expansion of commercial activities in or close to residential areas to ensure the noise levels and smells will not be intrusive and that any proposals are not detrimental to the visual amenity of the area.
- 4.3.8 Monitor and comment upon, where appropriate, the proposed erection of telecommunication masts, powerlines and other similar structures.
- 4.3.9 Encourage a close working relationship with neighbouring areas on planning issues that may affect the communities.
- 4.3.10 Participate with public and private sector interests in Parish Enhancement Schemes and Local Conservation.
- 4.3.11 Make representation to Swindon Borough Council on behalf of Highworth Town Council to secure Section 106 funding where possible.
- 4.3.12 Actively liaise with the relevant departments at Swindon Borough Council in all matters related to planning and highway issues.
- 4.3.13 Consider and formulate a response if appropriate on highway and transportation consultations and information documents from relevant authorities and organisations.
- 4.3.14 Consider and take action on all other matters that are of a general nature relating to highway network within Highworth.
- 4.3.15 Actively promote and protect all footpaths, bridleways, and other Rights of Way in Highworth.

**4.4 The Neighbourhood Plan Committee** shall consider and determine the following matters:

- 4.4.1 Formulate and take into law a Neighbourhood Plan for Highworth.
- 4.4.2 Monitor and keep up to date the Neighbourhood Plan to keep it in line with the policies of the Development Plan including any emerging Local Plan.
- 4.4.3 Take elements of the Neighbourhood Plan and take them forward in the interests of improving Highworth as a town.
- 4.4.4 Consult with the residents of Highworth when considering improvements and enhancements to Highworth.
- 4.4.5 Work with the Forward Planning at Swindon Borough Council in the furtherance of the Neighbourhood Plan and elements contained in it when taking them forward.
- 4.4.6 Consult with Officers at Swindon Borough Council as necessary.
- 4.4.7 Report back to the Full Council when appropriate.

**4.5 The Environmental Sustainability Committee** shall consider and determine the following matters:

- 4.5.1** Promote Environmentally Sustainable projects within the community through the Town Clerk.
  - 4.5.2** Review the suggestions submitted by Highworth Community through public consultation and identify feasible actions at individual, community, and council level.
  - 4.5.3** Develop the Environmental Sustainability section of the HTC website through the Town Clerk
  - 4.5.4** The ESC will establish an accessible programme of community engagement utilising local group and communication channels, including social media, to keep residents informed of and engaged with the activities undertaken through the Town Clerk.
- 4.6** A Committee may refer matters on which it has delegated authority to the council for a final decision if it so wishes.

## **5. Sub Committees**

**5.1 The Staffing Sub-Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

- 5.1.1 To review Policies regarding Employment, Job Descriptions, Contracts of Employment and Employees' Handbook.
  - 5.1.2 To be entirely responsible for the Recruitment and Employment of a Town Clerk when the post becomes vacant. To vet and interview all applicants and make recommendation to the Full Council on his/her appointment.
  - 5.1.3 To ensure that an appraisal of the Town Clerk be conducted annually (Staffing Sub-Committee Members).
  - 5.1.4 To monitor that an annual appraisal is carried out on all members of staff by the Town Clerk and that the completion of this is reported back to the Staffing Sub-Committee.
  - 5.1.5 To monitor any changes to Employment Laws, Health and Safety Law, GDPR etc and ensure that they are implemented.
  - 5.1.6 To be responsible for supporting the Town Clerk in any recruitment appointment and ensuring that any recruitment is conducted legally and fairly.
  - 5.1.7 To be responsible for monitoring the staffing structure and ensure that the staffing structure meets the needs of the organisation.
  - 5.1.8 To receive reports from the Town Clerk on all matters regarding staffing, to include any disciplinary or grievance issues, pay reviews or recommendations from the National Joint Council (NJC).
  - 5.1.9 To monitor and make decisions on any employee who is long term sick, defined as periods exceeding six months. Any period up to this is covered in the NJC agreement and is legislated in that agreement. To support the Town Clerk with monitoring long term sickness.
  - 5.1.10 To monitor staff training and ensure that all possible training is provide to all staff as necessary.
- 5.2** Other standing sub-committees may be formed by resolution of the Council at any time under Standing Order 4a and delegated powers may be decided upon at the time the sub- committee is formed by means of a minute detailing the terms of reference.

## **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. Urgent Matters**

(1) In the event of any matter arising which requires an urgent decision the Town Clerk shall consult the Chairman or in their absence, the Vice Chairman of the Council and the Chairman of the Finance & General Purpose 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.

(2) Before exercising the delegated powers granted by paragraph 7 (1) 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.

(3) Before exercising the delegated powers granted by paragraph 7(1) 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 in accordance with Standing Order 6a.

(4) Any action is taken under this Standing Order must 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.

## **8. Delegation - Limitations**

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