



# Seaton Town Council Constitution

## Chapter 34 Scheme of Delegations

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## SEATON TOWN COUNCIL ('the Council')

### SCHEME OF DELEGATIONS

This Scheme of Delegations authorises the Proper Officer and Responsible Financial Officer ('the Town Clerk') and committees of the Council to act with delegated authority in the specific circumstances detailed. It will be reviewed annually at the Council's Annual General Meeting.

#### 1. Proper Officer and Responsible Financial Officer - Duties and Powers

##### 1.1. Responsible Financial Officer

The Town Clerk shall be the Responsible Financial Officer to the Council and shall be responsible for the Council's accounting procedures in accordance with the *Accounts and Audit Regulations* and Financial Regulations in force at any given time.

##### 1.2. Proper Officer

1.2.1 The Town Clerk is designated and authorised to act as Proper Officer for the purposes of all relevant sections of the *Local Government Act 1972* and any other statute requiring the designation of a Proper Officer.

1.2.2 The Town Clerk is specifically authorised (via legislation) to:

- Receive declarations of acceptance of office
- Receive and record notices from councillors disclosing interests
- Receive and retain plans and other documents
- Sign notices, licences and other documents on behalf of the Council
- Receive copies of by-laws made by a principal council
- Certify copies of by-laws made by the Council
- Sign and issue summonses to attend meetings of the Council
- 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)
- Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office
- To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000 and Data Protection Act 2018

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

- Notwithstanding any delegations to committees, to manage the day-to-day operation of the Council's services and projects, buildings, land and all other assets for which the Council has responsibility, in line with the budgets, policies approved by Members and legislation.
- Day-to-day management of the Council's employees in accordance with the Council's policies, procedures and budget, including:

- i. Staff performance and discipline
  - ii. Payment of expenses and allowances in accordance with the Council's scheme
  - iii. The approval of increments in accordance with contracts of employment
  - iv. Implementation of national pay awards in line with the NJC Scheme of Conditions of Service (the 'Green Book') as amended by the Local Agreement.
  - v. Delegation of the day-to-day management of functions and services to the Deputy Clerk and other officers, in line with the approved duties of these posts, so as to most efficiently dispatch the Council's business.
- Authorisation to respond immediately to any correspondence, requiring or requesting information or relating to previous decisions of the Council but not correspondence requiring an opinion to be taken by the Council or its Committees.
  - Authorisation of routine and recurring expenditure within the agreed budget
  - Emergency expenditure up to £5,000 outside of the agreed budget
- 1.2.4 To make any such applications for grant funding, on behalf of the Council, as might, from time to time, become available from the National Lottery, Devon County Council, East Devon District Council and any other grant funding bodies that may assist the Council in maintaining its assets and delivering its services and special projects. Any such application will be reported back to the Council or, where relevant, committee as soon as practicable thereafter.
- 1.2.5 Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations, this Scheme of Delegation and with any directions given by the Council from time to time.

## **2. Absence of the Town Clerk**

In the absence of the Town Clerk, the Deputy Clerk shall be authorised to deputise and undertake any of the functions of the Town Clerk's post.

## **3. Urgent Matters**

Subject to consultation with two of the Chairman or Deputy Chairman of the Council or the relevant committee Chairman or Vice Chairman, the Town Clerk is authorised to act on behalf of the Council on any matter where, in her view, urgent action is needed to protect the interests of the Council. Such action will be reported back to the Council or relevant committee as soon as practicable thereafter.

## **4. 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):

- 4.1 Appointing the Chairman / Mayor
- 4.2 All matters affecting the appointment, promotion, discipline, salary and conditions of service of the Town Clerk/ RFO following consideration of a recommendation from the Personnel Committee
- 4.3 Determination and setting of the precept
- 4.4 Borrowing money
- 4.5 Approving the end of year accounts and annual return
- 4.6 Appointment of an internal auditor
- 4.7 Co-option of councillors to the Council
- 4.8 Appointing committees, sub-committees and working parties/forums
- 4.9 Filling of councillor vacancies on any committee/working party/forum
- 4.10 Making, amending or revoking Standing Orders, Financial Regulations, policies and this Scheme of Delegations
- 4.11 Making, amending or revoking by-laws
- 4.12 Making of orders under any statutory powers
- 4.13 Agreeing the dates of meetings of the Council,
- 4.14 Receiving and noting of all minutes approved by the Council, its committees and sub-committees
- 4.15 Incurring capital or revenue expenditure which is over and above the Council's approved budget and any virements required to give effect to this
- 4.16 Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings)
- 4.17 Prosecution or defence in a court of law
- 4.18 Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee
- 4.19 Approval of application for Quality Council status or its equivalent
- 4.20 Confirming eligibility to exercise the General Power of Competence

## **5. Committees – Terms of Reference**

The Terms of Reference for each of the Council's committees appended, shall be reviewed annually in their entirety.

## **6. Working Groups – Terms of Reference**

Working groups may be formed by resolution of the Council at any time. The remit of such a Working Group will be decided upon at the time it is formed by means of a minute detailing the Terms of Reference. The Terms of Reference for each of the Council's working groups shall be reviewed annually in their entirety.

## **7. Delegation - Limitations**

Committees and sub-committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations, 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.

## **8. Specific Delegations**

To enable the Council to fulfil its responsibilities efficiently at all times, the Town Clerk, in consultation with two of either the Chair, Deputy Chair or Chair of Finance & General Purposes, is delegated to make decisions on behalf of the Council where such decision cannot, in the Town Clerk's view, be reasonably deferred to a meeting of the Council or one of its constituent committees. All councillors will be kept informed of any decisions made, which will be formally ratified at the first properly convened meeting of the Council thereafter.

Furthermore, the Town Clerk, after consultation with members of the Planning Committee, is delegated to submit comments for planning applications to East Devon District Council on any applications received where the deadline for a response is before the application may be considered by said committee.

**Reviewed – May 2023**



# Seaton Town Council Constitution

## Committee Terms of Reference **2023/24**

Marshlands Centre, Harbour Road, Seaton EX12 2LT

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## **CONTENTS**

This document includes the terms of reference for 2023-24 for the following committees:

1. Finance & General Purposes Committee.....	3
2. Personnel Committee.....	4
3. Planning Committee.....	6

## **Finance & General Purposes Committee – Terms of Reference**

### **Purpose of the Committee**

To oversee the Council's financial affairs and ensure the finances of the Council are managed prudently in line with the Council's Financial Regulations (May 2023) and any relevant legislation. To ensure good governance and all times and to report to Council as considered necessary.

### **Membership**

1. Eight members of the Council (including the Chairman and Deputy Chairman - ex-officio). The quorum shall be 3.
2. Membership of the committee shall be re-appointed at the Annual Meeting of the Council in May each year.
3. Meetings to be held at least quarterly.
4. The committee shall be supported by the Town Clerk, or such other officer as designated by the Town Clerk.
5. The committee is empowered to invite specialist professional advisors to attend meetings to provide advice or provide written guidance as to matters under discussion.

### **Delegated Powers**

The Finance & General Purposes Committee is authorised to:

1. receive and approve/ratify details of all payments authorised in the course of the business of the Town Council, including those purchased with the Council's debit card.
2. monitor income and expenditure against approved budgets, by way of quarterly reports produced by the Town Clerk.
3. consider any matter which does not fall within the remit of any other committee. Where there is a specific budget for such a matter, the Finance & General Purposes Committee shall have delegated power to authorise expenditure. Where there is no specific budget, the committee shall make recommendations to Council.
4. authorise the transfer of unspent and available amounts to other budget headings or to an earmarked reserve as appropriate, during any financial year.
5. receive proposals from the Town Clerk in respect of expenditure and anticipated expenditure for the following financial year, as part of the Council's budget setting process.



6. having considered the proposals, to agree detailed estimates of income and expenditure, including the use of reserves and all sources of funding for each financial year in the form of a budget and present it to Council, if practicable no later than its December meeting, thereby enabling Council to approve a budget and set precept for the following financial year.
7. review the Council's banking arrangements, including the bank mandate and signatories, annually at the first meeting of each new financial year, or as soon thereafter as practicable.
8. undertake periodic checks on petty cash expenditure and approve petty cash expenditure at each meeting.
9. receive details of bank statements and confirm reconciliation at each meeting.
10. take decisions on action required and expenditure in respect of all the Council's assets, including its buildings and land (including those leased to others such as the Town Hall, Martial Arts Centre and Scout Hut). Such decisions to include:
  - negotiating and reviewing leases to ensure their continuing fitness for purpose and to ensure compliance by tenants with the terms and conditions of the lease.
  - keeping under review the best use of Marshlands and how income may be generated, whilst mindful of the restrictions thereon.
  - ensuring buildings and land are maintained and fit for purpose and comply with all health and safety requirements and other safety checks, such as fire safety, electrical inspections and legionella checks.
  - agreeing an annual expenditure plan to cover the maintenance of all buildings and land for recommendation to the Council as part of the annual budget setting process
  - incur expenditure within the approved budgets for the Town Hall and Marshlands and authorise transfer from ear marked reserves, as necessary
11. prepare recommendations for Council for any critical expense that has not been budgeted for.

## **Personnel Committee – Terms of Reference**

### **Purpose of the Committee**

- To make decisions about staffing matters, as delegated by Council.

## **Membership**

1. Five members of the Council (including the Chairman or Deputy Chairman of the Council). The quorum is 3. If the Chairman of the Council is on the Personnel Committee, then the Deputy Chairman of the Council is not to be a member of the Personnel Committee as they will chair the Appeals Committee, or vice versa.
2. Membership of the committee to be re-appointed at the Annual Meeting of the Council in May each year.
3. Councillors that are on the Personnel Committee cannot be on the Appeals Panel and vice versa
4. Meetings to be convened on an 'as and when' basis.
5. Only members of the committee may attend meeting for items discussed in Part B of the meeting
6. The Town Clerk will support the Personnel Committee.
7. The Personnel Committee is empowered to invite specialist professional advisors to attend meetings to provide guidance as to matters under discussion.

## **Delegated Powers**

The Personnel Committee is authorised to:

1. approve, where necessary, the contract of employment and job description for any staff role prior to any new appointment
2. assist the Town Clerk, as he/she required, in the recruitment process for any new appointment, including approval of job description and interview. Normally all correspondence with candidates and referees should be undertaken by the Town Clerk, but in the absence of both the Town Clerk and Deputy Clerk (where authorised to deputise for the Town Clerk), this should be by a member of the committee, who has been appointed to that role by Council.
3. recommend to Council, after interview and having considered the recommendation of the Town Clerk, suitable candidates for appointment. Decision on any appointment is made by Council.
4. carry out the annual appraisal of the Town Clerk, and report to the next Council meeting.
5. consider remuneration levels for staff, including any changes to pay grades, if required. To make recommendations to Council for approval where there are financial implications over and above approved budgets. Note – any nationally agreed annual increase as announced by

SLCC/NALC will be automatically awarded to staff in line with the Council's contractual obligations.

6. deal with any matters that are raised under Seaton Town Council's policies and any applicable national legislation such as employment law and health and safety as it applies to staff, any Code of Conduct matters that apply to staff, staffing disputes and staffing related issues.

### **Planning Committee – Terms of Reference**

#### **Purpose of the Committee**

1. To consider and make responses to planning applications from East Devon District Council, as the local planning authority.
2. To consider any applications where Seaton Town Council is the applicant and to make recommendations to Council for approval prior to the submission of the application. This will also apply to any changes to the application or requests for further information.
3. To act as a consultee on any planning policy matters raised by East Devon District Council

#### **Membership**

1. Seven members of the Council (including the Chairman and Deputy Chairman - ex-officio). The quorum shall be 3.
2. Membership of the committee shall be re-appointed at the Annual Meeting of the Council in May each year
3. Meetings to be held as frequently as required, but at least once a month.
4. The committee shall be supported by the Town Clerk, or such other officer designated by the Town Clerk.
5. The committee is empowered to invite specialist professional officers or advisors to attend meetings to provide guidance as to matters under discussion

#### **Delegated Powers**

The Planning Committee is authorised to:

1. determine responses to planning applications.

2. determine responses in respect of all applications relating to the preservation, felling or other works with respect to trees and tree preservation orders.
3. determine responses to any appeal against a planning decision by East Devon District Council, including the preparation of submissions to be made to the Planning Inspectorate as appropriate.
4. note any planning decisions made by East Devon District Council
5. receive a report from the Chairman of any urgent planning items or amendments to planning applications received after formulation of the agenda.
6. respond to any consultation on planning policy.
7. respond to and take part in any discussion with regard to the Local Plan from East Devon District Council. However, where the matter relates to the area outside East Devon, this will be considered by the Council.
8. To oversee the development and updating of any future neighbourhood plan for Seaton.

#### **Associated delegation to Town Clerk**

9. Furthermore, the Town Clerk, after consultation with members of the Planning Committee, is delegated to submit comments for planning applications to East Devon District Council on any applications received, where the deadline for a response is before said application may be considered by a meeting of the Planning Committee.

#### **Appeals Panel – Terms of Reference**

From time to time, an Appeals Panel may be established to consider any issue that has been considered by the Personnel Committee that requires review.

**Reviewed – May 2023**