

## MONMOUTH TOWN COUNCIL

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### DELEGATION TO COMMITTEES AND SUB-COMMITTEES

#### **Full Council**

The following matters are reserved for decision by Full Council. It may consider recommendations on any matters listed below from the appropriate Committee(s).

- a) Approval of the budget and setting the precept
- b) Approval of the Annual Return and Audit of Accounts
- c) Approval of internal controls
- d) Approval of IRPW recommendations
- e) Authorisation of borrowing
- f) The power of incurring capital expenditure not specifically included in the Council's annual budget
- g) Adopting or changing all policies including Standing Orders, Financial Regulations and the Scheme of Delegation
- h) To adopt a long term Strategy
- i) Approval of the Annual Report
- j) Approval of the annual PSB Wellbeing report
- k) Making of orders under any statutory powers
- l) Making, amending or revoking by-laws
- m) Filling of vacancies occurring on any Sub-Committee of the Council during the year
- n) The appointment to or co-option on a Committee or Sub-Committee of a person (on a strictly non-voting basis) who is not a member of the Council or the Committee
- o) Appointing or nominating Council representatives to outside bodies
- p) Agreement to take on new, including devolved services, subject in all cases to a fully costed business plan
- q) Nomination or appointment of representatives of the Council on matters affecting the Town, excluding matters specific to a Committee
- r) The appointment or dismissal of the Town Clerk, through the establishment of the appropriate Recruitment or Grievance/Disciplinary Panel.
- s) Dates of meetings
- t) Prosecution or defence in a court of law other than an Employment Tribunal
- u) All other matters which must, by law, be reserved to the Full Council.

## **Delegation to Committees**

1. The following matters are delegated to the Council's Committees to make decisions on behalf of the Council.
2. Delegated decision making by Committees **MUST** be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and within the Committee's budget where sufficient budgetary provision exists or can be vired from within the approved budget of the Committee concerned. Where matters are delegated to the Committee, so far as is legally permissible, decisions are deemed the acts and proceedings of the Council.
3. The Council may at any time, following resolution, revoke any delegated authority, without prejudice to executive action already taken.
4. Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to Full Council. Similarly, where a Committee has no delegated power to make a decision it may make a recommendation to Council.
5. The Council and each Committee is authorised to establish sub-Committees, working groups or task and finish groups and to appoint advisers as and when necessary to assist in its work. The work of a working group or task and finish group will be decided upon at the time it is formed by means of a Minute detailing the terms of reference including membership. Each working group will report back with recommendations to Full Council or the Committee that formed it
6. The quorum for each committee shall be three or a third of members appointed to the committee, whichever is the greater (see quorum table at Appendix A).

## **Finance & Policy Committee**

A minimum of eight members including the Chairpersons of the two other committees (plus Mayor and Deputy Mayor ex officio (by virtue of one's office or status; Oxford Reference) with full voting rights) to meet four times per year or more frequently as required.

### **Terms of reference**

The purpose of the Finance & Policy Committee is to ensure that the organisation and finances of the town council are efficient, effective, open and transparent and accountable to the council and the wider public.

The Finance & Policy Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- a) Approval of its Minutes
- b) Ensuring the Annual Return (statement of accounts) is completed in accordance with requirements and recommend to Council accordingly
- c) All other matters relating to Finance (excluding setting precept or borrowing or approval of unbudgeted expenditure and banking arrangements)
- d) Budget monitoring, taking action where required to vire unspent provision to ensure that the overall budget strategy is maintained
- e) Approval of expenditure on items within the Committee's area of responsibility and included in the approved Council budget up to the amount specified in the budget
- f) All matters relating to internal and external audit for approval by Full Council, including recommendations for any actions required by the internal and/or external auditors
- g) To ensure adequate and effective system of internal controls are recommended to Full Council, including effective risk management systems: the risk register; appropriate insurance cover; asset register; review of the appointment of the internal auditor; and any other control measures
- h) To make recommendations to Council on the review of Council's Financial Regulations, Standing Orders and Scheme of Delegation
- i) To oversee Invitations to Tender and Contracts
- j) To oversee the Council's requirements around Health & Safety
- k) To ensure accountability and transparency in Council decision making
- l) To monitor and oversee debt monitoring and recovery
- m) To maintain a fixed asset register and safe custody and upkeep of all assets and objects of interest or value in the ownership or custodianship of the Council
- n) To be responsible for the maintenance and safe custody of the civic regalia and robes
- o) To oversee Council administration and policy
- p) To identify and prepare new policies and to review existing policies
- q) To make annually make budgetary recommendations to Council
- r) Any other matter which may be delegated to it by the Council from time to time

To delegate the following items to the Staffing Sub-Committee:

- s) To be responsible for all matters relating to Human Resources including staff terms and conditions and pension arrangements
- t) To make recommendations to F&P/Council for any proposed changes to the staffing structure and/or the appointment of the Town Clerk
- u) To carry out the annual review of salaries

- v) To have an overview of the training requirements for staff, councillors and other volunteers

## **People & Places Committee**

A minimum of eight members (plus Mayor and Deputy Mayor ex officio with full voting rights) with the committee scheduled to meet initially monthly throughout the year except August.

### Terms of reference

To ensure the council plays its full role in promoting the cleanliness and safety of the town and its open spaces and supports and strengthens community activities, participation and events.

The People & Places Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- a) Approval of its Minutes as true and correct record
- b) Civic and Community activities organised by the Council
- c) Approval of expenditure on items within the Committee's area of responsibility and included in the approved Council budget up to the amount specified in the budget
- d) To oversee any future partnership agreements and monitor existing partnership agreements
- e) To implement a community grants scheme/criteria with adequate criteria to support organisations that add value to the community.
- f) To help develop and support existing and new community events including providing financial or practical support.
- g) To respond to issues with regard to the community safety, recreational or environmental issues that have an impact on the built environment or the open spaces of the town.
- h) To develop the council's approach to community safety and environmental issues.
- i) To develop the council's environmental and economic development policies including promotion of the town as a premier tourism destination.
- j) To implement street decorations including Christmas lights.
- k) To oversee development of the 'social inclusion' policies of the council with particular regard to young people, people with disabilities and older residents along with race, gender and sexuality.
- l) To develop new initiatives to encourage volunteering and fund raising.
- m) To help establish organisations that contribute to the economic, social well-being of the town.
- n) To liaise with voluntary and statutory bodies to help develop community events and activity.

- o) To maintain a list of all local interest groups for the purpose of community liaison.
- p) To be responsible for marketing, promotion and community engagement including oversight of the website, annual report, press releases and any other form of engagement with the community.
- q) Preparation of a proposal to Finance & Policy Committee for the following year's budget based on evidence of potential spend and need
- r) To prepare a response to all relevant consultations

### **Planning Committee**

A recommendation of eight members (plus Mayor and Deputy Mayor ex officio with full voting rights). To meet twice monthly to consider planning applications received.

### **Terms of reference**

To ensure that planning matters are exercised in accordance with the legislative and policy requirement of the council with due regard for the individuals and communities affected, the economic effects and environmental impacts.

- a) To consider planning applications.
- b) To make recommendations on planning applications to the County Council.
- c) To play a full role in responding to planning guidance and planning regulations.
- d) To set the councils policy with regard to individual and general planning matters including design statements and overall purpose of the council's policy.
- e) To play a full role in developing local section 106 agreements.
- f) To develop a response to planning applications
- g) To develop our transport and land use policies.
- h) To arrange site visits and other responses as necessary and to develop policies for same.
- i) To arrange training for Council members on planning matters.

### **Delegation to Officers**

#### **Introduction**

The scheme does not delegate any matter:

- a. Reserved by law to the Council
- b. Which by law may not be delegated to a Councillor and /or Officer.

The powers and duties set out in this scheme are delegated to the Town Clerk and RFO and/or a Proper Officer.

## **1. Extent of Delegation**

- a) All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
- b) The Town Clerk and/or RFO and/or a Proper Officer will exercise these powers in accordance with:

- Approved budgets
- The Council's Financial Regulations
- The Council's Contract Procedure Rules
- The Council's Procurement Strategy
- The Council's Policy Framework and other adopted policies of the Council
- All statutory common law and contractual requirements

- c) The Town Clerk and RFO and/or a Proper Officer may do anything pursuant to the delegated power or duty which it would be lawful for the Council to do including anything reasonably implied or incidental to that power or duty.
- d) In addition the Town Clerk and RFO and/or a Proper Officer are authorised to undertake the day to day administration of the Council to include:

- Emergency expenditure up to 1% of the precept whether or not there is budgetary provision for the expenditure (subject to Standing Orders and Financial Regulations)
- Payment of all invoices, within agreed budget and subject to authorisation by two bank signatories. Authorisation can be made by email if face to face authorisations are not possible
- Taking appropriate action arising from other emergencies (in consultation with the Chairperson/Vice Chairperson of Council as appropriate to the circumstances)

## **2. Urgent Decisions of Council**

- a) Urgent decisions required between scheduled meetings of the council are delegated to the Clerk or RFO and/or a Proper Officer in consultation with the Chairperson of the council.
- b) Decisions made under this delegation will be reported to, and recorded in the minutes of, the next council meeting.
- c) Under this delegation, where appropriate, the Clerk or RFO and/or a Proper Officer may decide that an extraordinary meeting of the council be called to deal with the urgent matter.

## **3. Responsible Financial Officer (Proper Officer)**

The Responsible Financial Officer to the Council and shall be responsible for the Town Council's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time and the Local Government Act 1972 s151.

The Responsible Financial Officer is a Proper Officer of the Council.

#### **4. Town Clerk (Proper Officer)**

The Town Clerk is a Proper Officer of the Council.

#### **5. Proper Officers**

The Proper Officers are specifically authorised to:

- a) Receive declarations of acceptance of office
- b) Retain a copy of every Councillor's register of interest
- c) Receive and retain plans and documents
- d) Sign notices and other documents on behalf of the Council
- e) Receive and retain copies of by-laws
- f) Sign summonses to attend meetings of the Council
- g) Keep proper records for all meetings
- h) Receive all correspondence on behalf of the Council
- i) Be responsible for the Council's seal (if applicable)
- j) Alter the date or time of a Council Committee, Working Group, Panel or Task Group meeting in consultation with the Mayor or chairperson of the Committee or Task Group.
- k) Receive from MCC Monitoring Officer any documents in relation to complaints received under the Code of Conduct and report this at the next convenient meeting of the Council

In addition, the Town Clerk and Responsible Financial Officer and/or a Proper Officer have delegated authority to undertake the following matters on behalf of the Council:

- i) Day to day administration of services
- ii) Management of all Council staff in accordance with Council's adopted policies including approval of annual leave, annual appraisal, minor disciplinary action, performance management and task allocation
- iii) Oversee the appointment of employees in consultation with the Chair of the Staffing Sub-Committee/Chair of Finance & Policy Committee
- iv) To delegate any aspect of these delegations to another officer and to act in their absence
- v) To seek expert advice (eg solicitors, Counsel, agents etc) and instruct the services for same as and when required within the available budget and in accordance with Financial Regulations
- vi) To operate the Council's banking arrangements and to transfer funds between accounts as required for prudent fiscal management
- vii) To pay salaries and allowances including IRPW payments in accordance with Council's agreed policy
- viii) To exercise (so far as may be lawful) the powers of the Council to borrow and invest; and to lend and to determine rates of interest and terms of repayment on such loans as may be required or prudent from time to time
- ix) To pay all sums properly authorised as due

- x) To collect all income due to the Council, including appropriate interest and costs.
- xi) Authorisation of regular expenditure within the agreed budget.
- xii) Incur expenditure on any item for which provision is made in the appropriate budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Financial Regulations and Standing Orders and is reported to the next appropriate meeting of committee or Council
- xiii) Authorisation to call any extra meetings of the Council or any Committee as necessary having consulted with the Mayor and/or Chair of the appropriate Committee
- xiv) 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 one of its Committees
- xv) Respond to any Freedom of Information requests or Subject Access Requests under GDPR
- xvi) Deal with matters specifically delegated by Council or Committee
- xvii) Deal with complaints in line with the Council's adopted Complaints Procedure
- xviii) Be responsible for the overall management of all budgets in accordance with Council policies
- xix) To make decisions on any activities of the Council implementing the Council adopted policies and report regularly to the relevant committee/Council
- xx) Authorised to issue press releases on any Council activity exercised in accordance with Council policy
- xxi) Editorial control of the Council's website and social media presence
- xxii) Negotiate and enter into contractual arrangements for performers in relation to events organised by the Town Council.
- xxiii) Any other matters which may from time to time be delegated to the Town Clerk and RFO



## Appendix A

### Quorum Table

<b>Number of Members Appointed to a Committee</b>	<b>Quorum for that Committee</b>
9 or less	3
10 - 12	4
13 - 15	5
16	6
19	7

Only members of the committee and Ex Officio Councillors can be counted when determining quorum.

For Full Council, quorum is determined by the full compliment rather than seats filled (currently 19).

## **Appendix B**

### **Section A: Guidelines for Selection of committees**

1. The names of all committees are abbreviated to Finance, P&P and Planning.
2. The Town Clerk as returning officer will arrange all procedures so that the committees will be appointed at the Annual Meeting. In the year of the election this will be deferred to a subsequent Council Meeting.
3. The Mayor and Deputy Mayor will be ex officio members of all committees of which they can also be chair.
4. Chairperson of committees must be elected by a majority of the full members of that committee, if that is not obtainable in the absence of an outgoing Chairperson the Mayor, whether or not she/he is a member of that committee must give a casting vote.
5. No member shall chair more than one committee.
6. Every Councillor must be a member of at least two committees.
7. No one other than a Councillor may be a member of the Finance Committee.
8. Councillors may apply to any committee or sub-committee to participate for any agenda item on which he/she has a special interest and explain the reason for the request and the Committee must agree to this request by majority vote. They will be able to speak but not vote on this issue. A verbal request at the commencement of the meeting will suffice.
9. Resignations from any committee will be given to the Chairperson of the committee and The Mayor with a resulting vacancy being circulated to all members by the Clerk.
10. Any change of membership of a committee must be confirmed by Full Council. All appointments to committees are for that year of the Council only with the exception of 8 above.
11. Agendas of all committees and sub-committees will be sent by email with the required notice to all Councillors.

### **Section B: Procedure for Deciding the Memberships of Committees.**

1. After considering the rights to request participation, Councillors shall inform the Clerk in writing of the committees for which they wish to be nominated as full members. Members should nominate themselves for at least two committees but there is no other restriction.
2. The Clerk shall endeavor to ensure that there are sufficient nominees for each committee. If this cannot be achieved they will inform Full Council. Nominees

will be automatically appointed to committees for which there have been eight or less nominations, except planning.

- 3 The nominations shall be circulated to all councillors.
- 4 At the Annual Meeting the Council will appoint the full members of the committees for the following year unless deferred.
- 5 All committees will elect their Chairperson and Deputy Chairperson at their first meeting; these will be as soon as is convenient after the Annual Meeting.
- 6 No member may be a chair of more than one committee. Membership of the Finance and Policy Committee will be amended as necessary after the election of the Chairperson of the other three committees as soon as practicable.

<b>Version Number</b>	<b>Date</b>	<b>Amendments</b>	<b>Approved at Cmttee/Date and Minute no.</b>	<b>Amended by</b>
1	26/04/21	Amendments to legacy document	FC 6/04/2021	DM (Locum Town Clerk)
2	09/05/22			CW
3	09/06/22	Amendments to enable TC and RFO and Proper Officer to be able to carry out duties. Amendment to quorum numbers to incorporate 19 Full Council members		PH
4	15/05/23	Amendments from Annual Meeting to revise references to Chairman/Chairmen to Chairperson	9/FC/23a	NJ
5	29/06/23	Amendments to align F&P terms of reference with Financial Regulations	9/FC/23b	NJ