

LEOMINSTER TOWN COUNCIL

SCHEME OF DELEGATION AND TERMS OF REFERENCE

1. INTRODUCTION

- 1.1 Section 101 of the Local Government Act 1972 allows local Councils to appoint one or more Committees or Sub-Committees to discharge any of its function. It is not necessary for the Council to ratify Committee decisions where delegation applies. The membership and terms of office of Committees and Standing Sub-Committees is fixed by the Council, and of non-Standing Sub-Committees and of Working Parties by the appointing Committee. In constituting such Sub-Committees and Working Parties the Council or Committee as appropriate shall have full regard to the implications on the Officer and Member workload of such creation.
- 1.2 The scheme outlined below may be amended at any time by the Council with or without any recommendation from a Committee, Sub-Committee or other body.

2. DEFINITIONS

- 2.1 In this scheme, the following words and phrases shall be given the meanings outlined below:

“Council” refers to Leominster Town Council

“Council matters” means those items specifically included in the approved Terms of Reference as falling within the specific purview of Council.

“Committee” means one of the following Committees:

Planning and Highways Committee
Environment and Services Committee
Finance and General Purposes Committee
Communications and Events Committee

“Corporate policy” refers to any policy matter, which may affect or relate to the work of more than one Committee of the Council.

“Committee overlap” refers to any matter other than one of policy which is related to the work of more than one Committee

“Service Policy” refers to any policy matter which does not affect more than one function of the Council and does not relate to the work of more than one Committee.

3. GENERAL

- 3.1 Compliance with the law: The Council Committees and Sub-Committees can only act within the law and in accordance with the Council's approved Standing Orders and Financial regulations.
- 3.2 Budgets: Committees can only exercise delegated powers if there is budgetary provision for any proposed expenditure. They can vire monies within their overall budget in accordance with the provisions of the Council's Financial Regulations. If no budgetary provision is available, delegated powers may only be exercised subject to obtaining approval for a supplementary estimate, and this must be done through referring the matter firstly to the Finance and General Purposes Committee, which will then make a recommendation to the full Council.
- 3.3 Committee Conflict: there may be occasions, particularly when there is conflict between Committees regarding which one has powers to deal with a particular matter. In such cases, the matter shall be referred to the Finance and General Purposes Committee, and that Committee shall in turn make a recommendation or refer the matter to the Council. The Council shall then determine the matter.
- 3.4 Committee Overlap: Where a Committee is considering a matter involving Committee overlap, it may only resolve such matters subject to the agreement of all the other relevant Committees. Where any Committee disagrees with another in these circumstances the matter shall be referred to the Finance and General Purposes Committee, and that Committee shall in turn make a recommendation or refer the matter to the Council. The Council shall then determine the matter.
- 3.5 Council Matters: where Committees are considering Council matters they shall not have delegated powers to determine such matters, but shall report or make recommendations to Council.
- 3.6 Concurrent powers: The Council may at any time exercise any of the duties and powers within the scheme which are delegated to the Council's Committees or Sub-Committees. A Committee may at any time exercise any of the duties and powers of its Sub-Committees.
- 3.7 Committee membership: The Mayor and Deputy Mayor are ex-officio voting members of all the Council's standing Committees. The Mayor may not be Chair of any standing Committee. A member may not be Chair of more than one standing Committee.
- 3.8 Whilst the Council is not subject to the provisions of the Local Government and Housing Act 1989, concerning the allocation of places between representatives of political groups, the Council will attempt to retain a balance in terms of the overall allocation of Committee places and the allocation to individual Committees.

- 3.9 Considerations with regard to decision-making: In making any decisions or recommendations each Committee should consider the implications in relation to:
- Best Practice
 - Corporate and Service objectives/policies
 - Crime and Disorder
 - The environment
 - Finance and staffing implications
 - The impact on the Parish.

4. RESERVATIONS WITH REGARD TO TERMS OF REFERENCE

- 4.1 The terms of reference of all committees are subject to the following reservations:

4.1.1 That powers be exercised in accordance with any policy adopted, or directions given, by the Town Council.

4.1.2 That any proposal which involves any major changes to the existing policies approved by Council, shall be submitted to the Town Council for approval.

4.1.3 Urgent/emergency matters which would normally be referred to a committee may be dealt with through the convening of a special meeting although if, in the opinion of the Mayor, this is not practical, they shall be dealt with by the Town Clerk in consultation with the Chair of Committee (or in his/her absence the Vice Chair) and the Mayor and reported to the next appropriate Committee or Full Council meeting, whichever comes first.

4.1.4 Committees will bring to the attention of Council any matters being pursued by other local authority/statutory/voluntary or other bodies which may have a beneficial or detrimental effect on Leominster or persons.

4.1.5 All meetings of Standing Committees will normally commence at 7.00pm with the exception of the Planning & Highways Committee which occasionally meets prior to Council, Finance & General Purposes or Environment & Services Committee. In such instances the Planning & Highways Committee will commence at 6pm.

4.1.6 All meetings will include a Public Open Session when there will be 15 minutes to allow members of the public to be able to speak. Please see Standing Order 3(d, e, f, g & h)

5. Delegation of Authority to Sub-Committees.

- 5.1 Where a function within the terms of reference of a Committee has been further delegated to a sub-committee that sub-committee will report their

findings/recommendations back to the appropriate Committee or direct to Council as per their remit, usually through minutes.

- 5.2 The number of sub-committees that each Standing Committee may appoint will be restricted to two.

6. INTRODUCTION TO THE COUNCIL'S TERMS OF REFERENCE

- 6.1 Council is responsible for delivering three types of services. In simplistic terms they are:

- Governing;
- Doing;
- Representing.

- 6.2 These Terms of Reference have been developed to ensure that all the Council's services are delivered efficiently, effectively and transparently.

7. COUNCIL TERMS OF REFERENCE

- 7.1 The Power of raising loans, approving the annual budget, and setting the Precept;
- 7.2 The power of incurring capital expenditure not specifically included in the Council's approved estimate of expenditure for the time being;
- 7.3 Filling of Council vacancies through co-option if a bye-election has not been called;
- 7.4 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;
- 7.5 Standing Orders and the functions and constitution of Committees and Sub-Committees;
- 7.6 Dates of meetings of the Council and Committees;
- 7.7 Appointment or nomination by the Council of persons to fill vacancies on outside bodies arising during the Council year;
- 7.8 Filling of vacancies occurring on any Committee or Sub-Committee of the Council during the Council year;
- 7.9 The appointment or dismissal of the Town Clerk;
- 7.10 Cessation of any Council service;
- 7.11 Liaison with neighbouring town and parish councils;

- 7.12 The Council may at any time without prejudice to executive action already taken revoke any executive power delegated to a Committee.
- 7.13 Granting of civic honours such as Honorary Freedom or other Awards, and
- 7.14 Any other matter required by law to be determined by the Council and which cannot be delegated to a Committee, sub-Committee or officer, or which the Council may determine as Council business.

8. COMMITTEE TERMS OF REFERENCE

- 8.1 Note on delegated powers – Committees can resolve all matters within their terms of reference except Council and Corporate matters.
- 8.2 All Council's Committees are open to the public and press and encourage views and representations from residents and businesses.

9. POWERS AND DUTIES OF STANDING COMMITTEES

- 9.1 Subject to the foregoing, and to observance of decisions of the Council on matters of principle or policy, all the Council's powers and duties shall be delegated to the Standing Committees in accordance with the following terms of reference unless otherwise specified.
- 9.2 The acts and proceedings of a Committee shall:
 - 9.2.1 Where they are delegated to the Committee, so far as is legally permissible be deemed the acts and proceedings of the Council;
 - 9.2.2 As regards other matters, be subject to confirmation by the Council, and when confirmed shall be deemed the acts and proceedings of the Council;
 - 9.2.3 In all respects be subject to the provisions of the Council's Standing Orders and Financial Regulations except as otherwise determined by the Council.
 - 9.2.4 The Council may at any time without prejudice to executive action already taken revoke any executive power delegated to a Committee.
 - 9.2.5 Appoint up to two sub-committees, working groups or task & finish groups. Additional appointments will be subject to Council approval.

10. PLANNING AND HIGHWAYS COMMITTEE

- 10.1 The making of representations to the Local Planning Authority on applications for planning permission which have been notified in accordance with relevant legislation and in emergencies;

- 10.2 The making of representations in respect of appeals against the refusal of planning permission;
- 10.3 The making of representations to consultations that affect the town from other organisations and authorities as appropriate;
- 10.4 To undertake street naming under powers delegated by Herefordshire Council, and to make representations regarding house naming and street numbering;
- 10.5 To consider and monitor strategic, County and other developmental plans, proposed listed buildings, conservation areas, tree preservation orders and building preservation orders which impact upon Leominster, and the making of all appropriate representations.
- 10.6 The making of representations to the appropriate Planning and Highway Authority in respect of other planning and highway matters not otherwise referred to in Terms of Reference 9.1 to 9.5 above.
- 10.7 To consider all matters relating to highways, footpaths and bridleways within the Parish and County as a whole, and to make representations to other authorities regarding these matters.
- 10.8 To consider other matters relating to the physical environment of the town, but which are not under the direct control of the Council, including disabled access issues (excluding those relating to Town Council services), recycling of waste materials and biodiversity.
- 10.9 To deal with the management and effective control of relevant budgets, including the development of public transport initiatives.
- 10.10 To take into account the Leominster Area Neighbourhood Plan (LANP).
- 10.11 To consider and to make recommendations to other authorities regarding applications in respect of applications for liquor, gaming and public entertainments licences.

11. ENVIRONMENT AND SERVICES COMMITTEE

- 11.1 Dealing with all matters and the provision of services falling within the purview of Leominster Town Council, and the management and effective control of relevant budgets, including:
 - 11.1.1 Allotments;
 - 11.1.2 The management of the Town Centre Street Sweeping, including emptying of litter and dog bins;
 - 11.1.3 The management of the Recreation areas, play areas, the town's open spaces, amenity land and children's play areas;

- 11.1.4 Public Toilets;
 - 11.1.5 The Council's Depot, transport, plant and equipment;
 - 11.1.6 Leominster in Bloom;
 - 11.1.7 War memorial;
 - 11.1.8 Bus shelters
- 11.2 To establish service policies, approve programmes of work, monitor performance and take decisions in respect of those matters detailed in the budget schedule above and to provide reports on the implementation of service policies;
- 11.3 To manage and review the provision of all those services for which the Committee has service responsibility;
- 11.4 To make recommendations to the Finance and General Purposes Committee regarding staffing requirements relating to the staff primarily engaged undertaking the Committee's work.

12. FINANCE & GENERAL PURPOSES COMMITTEE

- 12.1 The making of recommendations in respect of items 12.3 to 12.9 of the matters to be dealt with solely by the Council;
- 12.2 Dealing with all matters relating to the general day-to-day administration of the Council;
- 12.3 Dealing with matters specifically referred by the Council or any other Standing Committee and with all matters not specifically referred or delegated to any other Standing Committee;
- 12.4 Dealing with all matters pertaining to the performance, terms and conditions of service, and superannuation of the Council's staff, including appointments, and making appropriate recommendations relying on, where appropriate, the Scheme of Conditions of Service of the National Joint Councils, the National Association of Local Councils, and any approved Local Conditions of Service;
- 12.5 Dealing with all matters relating to personnel including the recommendations of any incremental increases and complaints;
- 12.6 Dealing with all aspects of the Council's Corporate Governance including the management and control of budgets for Civic and Mayoral services, Central Administration, Corporate Management, External and Internal Audit, Performance Management, Democratic representation and management; and Community and other Grants.

- 12.7 To establish service policies, approve programmes of work, monitor performance and take decisions in respect of those matters detailed in the budget schedule above and to provide reports on the implementation of service policies;
- 12.8 To recommend to Council the annual budget, variations and supplementary estimates relating to budgets of the standing Committees, and any Corporate plans, strategies and policies;
- 12.9 To act as lead Committee in respect of any partnership initiative of a corporate nature with Herefordshire Council, the Market Towns Forum, neighbouring towns and parishes and any other relevant body or organisation;
- 12.10 To advise the Council on financial matters, particularly the financial implications and funding of any capital or revenue projects and the management of contracts and contractors;
- 12.11 To advise the Council in relation to disposal or acquisition of any property interests;
- 12.12 To receive Auditors' reports and to make recommendations regarding any matters arising from such reports;
- 12.13 To monitor the performance management of the Council and the Council's responsibilities for effective performance, the drafting of the Annual Report/ Forward Plan, the operation of service reviews and any necessary recommendations to the Council for implementation;
- 12.14 To approve payments of accounts in accordance with the Standing Orders, to monitor the level of Council income/expenditure compared with the Council's approved estimates and to control the management of the Council's financial resources including bank accounts and investments;
- 12.15 To consider financial grants to organisations;
- 12.16 To control the collection of income and the write-off of irrecoverable debts to a limit as agreed in the Council's financial regulations with any sum greater than this requiring full Council agreement;
- 12.16 To ensure that the training needs of members and staff are met, and to ensure that the Council provides a safe working environment with regard to health and safety and other statutory obligations;
- 12.17 The development, implementation, monitoring and updating of the Council's Business Continuity Plan and Emergency Plan;
- 12.18 Dealing with the submission of material for the Leominster newsletter, the official Town Guide, other promotional material and the operation of the Council's website, and to co-ordinate all internal and external Council communication.

- 12.19 To maintain the Council's archives and civic treasures collection, and
- 12.20 To deal with the management and effective control of relevant budgets, including:
 - 12.20.1 Youth provision;
 - 12.20.2 Grants;
 - 12.20.3 CCTV;
 - 12.20.4 Christmas Lights.
- 12.21 To scrutinise the objectives and policies of the Council to ensure that, as far as is practicable, services are inclusive of all sections of society, and are free from any discrimination or prejudice.

13. COMMUNICATION AND EVENTS COMMITTEE

- 13.1 Dealing with the management and effective control of the following services and the relevant budgets, including:
 - 13.1.1 Markets and Fairs, including the use of Corn Square;
 - 13.1.2 The Tourist Information Centre;
 - 13.1.3 Promotion and management of 11 Corn Square including the holiday flat let;
 - 13.1.3 Local Events supported by Leominster Town Council.
- 13.2 To co-ordinate the Council's community events programme and consider the provision of community events of the widest possible appeal and accessibility, organised by the Council or in partnership with other organisations, and to establish an annual programme of such events;
- 13.3 Dealing with all aspects of the Council's service provision for residents, businesses, visitors and tourists, including related information services, publications, product sales, use and training of volunteers, and maintaining the service website;
- 13.4 To establish service policies, approve programmes of work, monitor performance and take decisions in respect of those matters detailed in the budget schedule above and to provide reports on the implementation of service policies;
- 13.5 To manage and review the provision of all those services for which the Committee has service responsibility;

13.6 To make recommendations to the Finance and General Purposes Committee regarding staffing requirements relating to the staff primarily engaged undertaking the Committee's work.

14. PERSONNEL SUB-COMMITTEE

14.1 The Sub-Committee shall consist of SIX Councillors.

14.2 Members of the Sub-Committee will be made up from the following Councillors:

- Mayor of Leominster
- Chair of the Finance & General Purposes Committee
- Chair of the Environment & Services Committee
- Chair of the Communications & Events Committee
- Chair of the Planning & Highways Committee
- Additional Member of the Finance & General Purposes Committee

14.3 It is suggested that the Deputy-Chair of the Finance & General Purposes Committee is not appointed onto the sub-committee in case a Disciplinary Panel is required at any stage in the future. This is to ensure that Council can adhere to its grievance procedures as outlined in the Staff Handbook.

14.4 The quorum of the Personnel Sub-Committee will be THREE Members.

14.5 The sub-committee will operate within Leominster Town Council's Standing Orders and Local Government Law.

14.6 At the first meeting of the Personnel Sub-Committee following the Annual Town Council Meeting of Leominster Town Council, the Sub-Committee will elect a chairman and vice chairman for this Sub-Committee for the forthcoming year from amongst its appointed membership. The Chair and Vice Chair may be re-elected.

14.7 The Sub-Committee will submit all its minutes of meetings for ratification to the next appropriate meeting of the Finance & General Purposes Committee.

14.8 The Town Clerk and/or the Office Manager and/or the Projects & Grants Officer will provide administrative support for the Committee.

14.9 The schedule of meetings shall be agreed by the Sub-Committee as required.

14.10 The Sub-Committee will meet a minimum of twice a year in the Council Chamber, Council Offices, 11 Corn Square, Leominster HR6 8YP. The date and time of the meeting will be agreed by the Sub-Committee and may take place during office hours.

14.11 The Sub-Committee shall:

- 14.11.1 Advise the Council on all human resources matters through the Finance & General Purposes Committee;

- 14.11.2 Consider the annual pay awards for all staff employed by the Council and make appropriate recommendations to the Council through the Finance & General Purposes Committee;
 - 14.11.3 Consider all matters relating to the probationary periods of all new employees;
 - 14.11.4 Carry out any initial personnel investigations and request relevant supporting documents and evidence when appropriate;
 - 14.11.5 Liaise with Council's Human Resources consultants, Ellis Whittam, where appropriate to obtain advice, guidance and information when required;
 - 14.11.6 Appointment employees in accordance with agreed establishment excluding the appointment of the Clerk and the Responsible Finance Officer;
 - 14.11.7 Consider and make recommendations to Council through the Finance & General Purposes Committee in respect of terms and conditions of employment, grading, salaries and allowances for employees of the Council;
 - 14.11.8 Power to terminate the employment of employees of the Council on disciplinary grounds subject to the terms and conditions of service of the employee including the Code of Conduct and Disciplinary Rules and Procedure applicable;
 - 14.11.9 Be given delegated authority to exercise on behalf of, in the name of, and without further reference to the parent committee all duties listed against 14.11.6, 14.11.7 & 14.11.8
- 14.12 The disciplinary procedures of Leominster Town Council is contained in Sections 6.4 and 6.5 of the Staff Handbook as revised in 2016.

15. RESPONSIBLE FINANCE OFFICER

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

16. PROPER OFFICER

- 16.1 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 pecuniary interests, receive and retain plans and documents, sign Notices or other documents on behalf of the Council, receive copies of By-laws made by a Primary local authority, certify copies of By-laws made by the Council, sign summonses to attend meetings of the

Council, to receive documents in relation to Complaints received under The Members' Code of Conduct and report this at the next convenient meeting of the Council, and to ensure compliance with all legal requirements impacting upon the business of the Council.

- 16.2 In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:
 - 16.2.1 The day to day administration of services, together with routine inspection and control.
 - 16.2.2 Day to day supervision and control of any staff employed by the Council.
 - 16.2.3 Undertake training or attendance at Conferences as previously authorised within budget.
- 16.3 Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations, relevant Council procedures and policies in place and this Scheme of Delegation and with directions given by the Council from time to time.