

## **Terms of Reference and Scheme of Delegation**

### **1. Full Council**

- 1.1 The Full Council is the body that grants adoption, approval or variation of plans, strategies and policies recommended by the Council's committees. It is the most senior body of the council and, unless otherwise stated, all recommendations by Council committees must be adopted by resolution of the Full Council before they can be enacted.
- 1.2 The Full Council has a statutory role in approving the budget and setting the precept. It is also the body responsible for ensuring compliance with the council's statutory requirements.
- 1.3 The Full Council is the body that will annually appoint to the offices of the Mayor and Deputy Mayor. Full Council meetings will be chaired by the Mayor.
- 1.4 In an election year, the Full Council will receive councillors' declarations of acceptance of office.
- 1.5 In the ordinary year of election of the Council, the Full Council will to fill any vacancies left unfilled at the election by reason of insufficient nominations.
- 1.6 The remaining business shall be transacted by the Full Council and may be delegated to an appropriate committee during the course of the Council year in an order that is expedient:
  - 1.6.1 Confirmation of the accuracy of the minutes of the last meeting of the council;
  - 1.6.2 To receive and note minutes of and/or to determine by resolution recommendations made by committees;
  - 1.6.3 Review of delegation arrangements to committees, sub-committees, employees and other local authorities;
  - 1.6.4 Review of the terms of references for committees;
  - 1.6.5 Receipt of nominations to existing committees;
  - 1.6.6 Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors).
  - 1.6.7 Review and adoption of appropriate standing orders and financial regulations;

- 1.6.8 Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- 1.6.9 Review of representation on or work with external bodies and arrangements for reporting back;
- 1.6.10 In a year of elections, if a council's period of eligibility to exercise the power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility;
- 1.6.11 Review of inventory of land and assets including buildings and office equipment;
- 1.6.12 Review and confirmation of arrangements for insurance cover in respect of all insured risks;
- 1.6.13 Review of the council's and/or employees' memberships of other bodies;
- 1.6.14 Review of the system of internal control and risk:
- 1.6.15 Establishing or reviewing the council's complaints' procedure;
- 1.6.16 Establishing or reviewing the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- 1.6.17 Establishing or reviewing the council's policy for dealing with the press/media;
- 1.6.18 Setting the dates, times and place of ordinary meetings of the Full Council for the year ahead;
- 1.6.19 To receive and note such communications as the person presiding may wish to lay before the council (Mayor's Announcements);
- 1.6.20 To receive the internal and external auditors' reports
- 1.6.21 To answer questions from councillors;
- 1.6.22 To authorise the sealing of documents;
- 1.6.23 To authorise the signing of orders for payment.
- 1.6.24 To authorise the annual return

- 1.6.25 Civic matters
  - 1.6.26 To consider member attendance at meetings
  - 1.6.27 The award of grants to local organisations
  - 1.6.28 To oversee the council's attainment of the gold standard of the Local Council Award Scheme
- 1.7 No business may be transacted at a meeting of the Full Council unless at least one third of the whole number of members of the council are present, i.e. five members.

## **Terms of Reference**

### **2. Committees – General**

- 2.1 The purpose of the council's committees is to consider issues under their remit. Issues will normally be outlined in a report prepared by officers and each report will normally include a recommendation.
- 2.2 Any recommendation(s) from a council committee will be considered at the subsequent meeting of the Full Council. Any decision or recommendation from a council committee has no status until it has been adopted by the Full Council by way of a resolution. This is unless a committee has devolved powers, i.e. Planning in respect of making recommendations direct to West Dorset District Council on planning applications.
- 2.3 Each committee will:
  - 2.3.1 Elect its chairman and vice-chairman from among its membership;
  - 2.3.2 Confirm the accuracy of the minutes of the last committee meeting;
  - 2.3.3 Agree and review the terms of reference for sub-committees, working or advisory groups that report to the committee;
  - 2.3.4 Receive nominations to existing sub-committees, working or advisory groups that report to the committee;
  - 2.3.5 Elect chairmen and vice-chairmen to existing sub-committees, working or advisory groups that report to the committee;
  - 2.3.6 Appoint any new sub-committees, working or advisory groups, confirmation of their terms of reference, the number of members (including, if appropriate, substitute councillors),

receipt of nominations and the election of chairmen and vice-chairmen to them;

- 2.3.7 To examine on behalf of the council various policies, strategies and plans relating to its subject area and to report these to the Full Council;
  - 2.3.8 To undertake reviews or policy development tasks in relation to any matters falling within the remit of the committee;
  - 2.3.9 To work with other relevant committees of the council where an area of work is shared with that committee.
- 2.4 Council-approved projects and objectives will be delegated to the relevant committee.
- 2.5 No business may be transacted at a committee meeting of the Full Council unless at least one third of the whole number of members of the committee are present and in no case shall the quorum of a meeting be less than three.

### **3. Strategy and Finance Committee**

- 3.1 The purpose of the Strategy and Finance Committee is to discharge all of the council's functions except those reserved to the Full Council and those matters' specifically delegated to other committees, including:
- 3.1.1 Preparation and management of the council's budget and precept
  - 3.1.2 Review of inventory of land and assets, including buildings and office equipment
  - 3.1.3 Control, monitoring and review of income and expenditure, both revenue and capital
  - 3.1.4 Treasury management
  - 3.1.5 The development and review of the corporate plan
  - 3.1.6 Establish and review council-wide policies that are not within the remit of other committees and beyond the remit of a single committee
  - 3.1.7 Consider all governance arrangements, except those that are the remit of the Human Resources Committee
  - 3.1.8 Receive details of any requests for information made under the Freedom of Information Act 2000.

- 3.1.9 Receive details of formal complaints made to the council
- 3.1.10 Compliance with legislation, regulation and best practice
- 3.1.11 Carrying out functions on behalf of the Full Council, in particular the:
  - 3.1.11.1 Review and adoption of standing orders and financial regulations
  - 3.1.11.2 Review and confirmation of arrangements for insurance cover in respect of all insured risks
  - 3.1.11.3 Review of the system of internal control and risk management
  - 3.1.11.4 Establishing or reviewing the council's complaints' procedure
  - 3.1.11.5 Establishing or reviewing the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998
  - 3.1.11.6 Setting the dates, times and place of ordinary meetings of the Full Council for the year ahead
  - 3.1.11.7 To receive the internal and external auditors' reports
  - 3.1.11.8 Performance management

#### **4. Human Resources Committee**

- 4.1 The purpose of the Human Resources Committee is to consider member and officer issues, including:
  - 4.1.1 To consider breaches of the council's code of conduct for members and, based on the report of West Dorset District Council's monitoring officer, recommend to Full Council any sanctions that should be applied to that member under the council's voluntary code.
  - 4.1.2 To undertake an annual review the council's code of conduct and make recommendations to the Full Council on any revisions that are required.

- 4.1.3 To consider the establishment structures, staffing levels, job descriptions, person specifications, job evaluations, and the remuneration levels
- 4.1.4 To ensure that the council has policies and procedures in place to meet its human resources and health and safety statutory responsibilities
- 4.1.5 To consider and review human resources and health and safety policies and procedures
- 4.1.6 To appoint the town clerk, deputy town clerk and operations manager
- 4.1.7 To appraise the performance of the town clerk and set his/her annual objectives
- 4.1.8 To consider grievances and complaints against the town clerk
- 4.1.9 To consider appeals against grievance and disciplinary decisions made by officers
- 4.1.10 To annually consider the development of the council's workforce
- 4.1.11 To commission periodic surveys to assess employee satisfaction
- 4.1.12 To annually consider levels of member and staff attendance, the number and type of complaints against employees, the number and type of grievances, disciplinaries and employment tribunals
- 4.1.13 To consider incidents of whistleblowing by employees
- 4.1.14 To monitor the learning and development of members and staff.

## **5. Town Management and Highways Committee**

- 5.1 The purpose of the Town Management and Highways Committee is to manage services provided by the council relating to the natural and built environment, including conservation:
  - 5.1.1 Provision and maintenance of public property and open spaces, e.g. car parks, toilets, gardens, beaches, amenity services, cemetery, play park, skatepark

- 5.1.2 Administration of land and property to include leases, licences and concessions
- 5.1.3 Enforcement
- 5.1.4 Trees and planting
- 5.1.5 Street naming
- 5.1.6 To develop proposals and liaise with the county and district councils on highway maintenance and improvements, road safety, street lighting, street care, public transport, and footpaths and rights of way

## **6. Tourism, Community and Publicity**

6.1 The purpose of the Tourism, Community and Publicity Committee is to take active steps to develop the town and people's perception of it. This includes the development and management of:

- 6.1.1 Tourism policies
- 6.1.2 Economic and business initiatives
- 6.1.3 Marketing and publicity
- 6.1.4 Community engagement
- 6.1.5 Responding to consultations by external organisations
- 6.1.6 Managing the process of consulting the community and third sector groups on policy development
- 6.1.7 Twinning
- 6.1.8 Arts and heritage
- 6.1.9 Tourism services
- 6.1.10 Events' management
- 6.1.11 Promotion and publicity of the town

## **7. Planning**

7.1 The purpose of the Planning Committee is to ensure the long-term interests of the town as a whole are taken into account in policies and decisions of the town, district and county councils, in so far as planning and highways issues are concerned.

- 7.1.1 To make recommendations direct to West Dorset District Council on planning applications.
- 7.1.2 The chairman and vice-chairman of the committee have delegated authority to make recommendations directly to West Dorset District Council on the committee's behalf if a comment is required before the next meeting.

## **8. Scheme of Delegation - Town Clerk**

- 8.1 The town clerk is head of the council's paid service. All operational functions and day-to-day management of the council's business are delegated to the town clerk who takes ultimate responsibility for their execution.
- 8.2 The town clerk holds statutory positions as the council's proper officer, responsible financial officer, data control officer and freedom of information officer.

## **9. Proper Officer**

- 9.1 Legislation requires local authorities to appoint certain officers with statutory responsibilities.
- 9.2 In local councils, the proper officer is usually the clerk. The statutory responsibilities of the council's town clerk are detailed in standing orders and, for information, are replicated below. The duties listed in bold are mandatory. The proper officer shall:
  - 9.2.1 Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council, committee or sub-committee at least 3 clear days before the meeting.
  - 9.2.2 Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council, committee or sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
  - 9.2.3 Receive any requests from councillors for items to be included on an agenda up to 10 working days before a meeting. The proper officer will then discuss with the relevant chairman which meeting this agenda item would go to. The decision on whether to include any such request ultimately lies with the proper officer.
  - 9.2.4 Convene a meeting of Full Council for the election of a new chairman of the council, occasioned by a casual vacancy in his/her office.



- 9.2.5 Make available for inspection the minutes of meetings.
- 9.2.6 Receive and retain copies of byelaws made by other local authorities.
- 9.2.7 Receive and retain declarations of acceptance of office from councillors.
- 9.2.8 Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- 9.2.9 Keep proper records required before and after meetings.
- 9.2.10 Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's procedures relating to the same.
- 9.2.11 Receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary.
- 9.2.12 Manage the organisation, storage of and access to information held by the council in paper and electronic form.
- 9.2.13 Arrange for legal deeds to be sealed using the council's common seal and witnessed.
- 9.2.14 Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations.
- 9.2.15 Record every planning application notified to the council and the council's response to the local planning authority in the Planning Committee minute book.
- 9.12.16 Retain custody of the seal of the council which shall not be used without a resolution to that effect.
- 9.12.17 Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

## **10. Responsible Financial Officer**

- 10.1 The Responsible Financial Officer (RFO) is a statutory office and is appointed by the council. The town clerk has been appointed as RFO for this council and these regulations will apply accordingly:
- 10.1.1 The RFO, acting under the policy direction of the council, shall be responsible for the proper administration of the council's financial affairs in accordance with proper practices. He/she shall determine on behalf of the council its accounting records, and accounting control systems.
  - 10.1.2 The RFO shall ensure that the accounting control systems are observed and that the accounting records of the council are maintained and kept up to date in accordance with proper practices.
  - 10.1.3 The RFO shall be responsible for the production of financial management information as required by council.
- 10.2 The RFO may incur expenditure on behalf of the council which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £10,000. The RFO shall report the action to the council as soon as practicable thereafter.
- 10.3 Payments under £5,000 should normally be paid through online banking using BACS; two authorisers are required to make payments. The authorisers are the town clerk, deputy town clerk, finance manager and operations manager.
- 10.4 The authorisers named in paragraph 10.3 may also approve payments of up to £1,000 on a bank debit card.
- 10.5 In addition to executing his/her duties as the council's proper officer and responsible financial officer, it is important for the effective operation of the council that the town clerk takes personal responsibility for the Full Council, the Strategy and Finance Committee, and the Human Resources Committee and that he/she takes personal responsibility for:
- 10.5.1 good governance, internal and external audit, internal control, financial planning, human resource management, public relations and land & property transactions
  - 10.5.2 ensuring that the town council operates in accordance with all legislation
  - 10.5.3 that the council's approved policies are implemented

- 10.5.4 ensuring statutory and other provisions governing or affecting the operation of the council are observed, including standing orders, financial regulations, external and internal audit, internal control, risk management and health and safety
  - 10.5.5 ensuring all meetings of the town council are properly administered
  - 10.5.6 ensuring members are properly advised on policy, strategy, procedure and performance
  - 10.5.7 leading, managing and motivating the staff team.
- 10.6 The town clerk manages the council's functions in conjunction with his/her management team: the deputy town clerk and the operations manager. These functions include: budgetary control; ICT; general administration; customer services; performance management; the development and implementation of operational programmes, plans, procedures and systems; lease, rental and hire agreements; repairs and maintenance; cemeteries' management; grounds' maintenance and the management of open spaces; allotments; leisure activities; car parking; health and safety; civic and other events; community and stakeholder relations; publications and communications; the promotion of tourism and the local economy; and ad hoc projects.
- 10.7 The deputy town clerk, as the title indicates, has a formal deputising role in the town clerk absence. The deputy town clerk is responsible for the council's Tourism, Community and Publicity Committee and Planning Committee. The deputy town clerk is responsible for the office-based team whose functions include: finance, committee administration, communications, ICT, bookings, and reception.
- 10.8 The operations manager doesn't have a formal deputising role for the town clerk, but in the absence of the town clerk and deputy town clerk the operations manager he/she is the member of staff who staff must defer to and seek guidance from. The operations manager is responsible for the council's Town Management and Highways Committee. The operations manager is responsible for the management of the council's external teams.
- 10.9 The allocation and delegation of functions between officers will be reviewed periodically.

## **11. Christmas Lights' Committee**

- 11.1 The purpose of the Christmas Lights Committee is to facilitate the raising of funds for the town's Christmas lights' display, and to oversee arrangements for that display.

## **12. Urgent matters**

- 12.1 Subject to consultation with either the Mayor, the Deputy Mayor, or the relevant committee chairman, the town clerk is authorised to act on behalf of the council on any matter where urgent action is needed to protect the interests of the council.
- 12.2 If the town clerk is unable to contact the Mayor, Deputy Mayor or relevant committee chairman, or is required to make an immediate decision, the town clerk is empowered to do so.
- 12.3 Any such action must be reported to the next meeting of the Full Council or the relevant committee.

## **13. Review**

- 13.1 This document will be reviewed in May 2019 or sooner if there are changes in legislation or best practice.

**Implementation date:** 5 May 2018

**Review Date:** May 2019