**Wimborne Minster Town Council's**
**Scheme of Delegation and Standing Committees Terms of Reference**

Adopted at Full Council on 25 April 2023, minute reference FC/2023/147.

This Scheme will be reviewed annually by Full Council, or when there are changes to legislation, whichever is the sooner.

This Scheme of Delegation authorises the Town Clerk (as the Proper Officer and Responsible Financial Office), Standing Committees (and Subcommittees if relevant) of Wimborne Minster Town Council (the Council) to act with delegated authority in the specific circumstances, as advised by SLCC's model document 2019. Items in **bold** are a statutory requirement

1. Town Clerk - 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 Town Councils accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time (including Financial Regulations).

1.2 Proper Officer

The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to: (**bold** sections are statutory requirements)

- receive declarations of acceptance of office;
- receive and record notices from Councillors disclosing interests;
- receive and retain plans and documents;
- sign Notices or other documents on behalf of the Council;
- receive copies of By-laws and other statutory provisions made by Dorset Council;
- certify copies of By-laws made by the Council;
- sign and issue summonses to attend meetings of the Council;
- sign binding contracts on behalf of the Council in accordance with the Standing Orders;
- **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), and**
- **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office.**

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

- the day-to-day administration of Council services, together with routine inspection and control;
- day to day supervision and control of all staff employed by the Council;
- recruitment of staff graded below SCP 23,
- authorisation of routine expenditure within the agreed budget;

- emergency expenditure up to £3,000 outside of the agreed budget as per Council's Financial Regulations in consultation with the Chairman and Vice chairman of Council or the Chairman/Vice Chairman of the appropriate Committee if the Council Chairman/Vice Chairman is unavailable;
- authorise the making of payments on behalf of Council in line with the Council's Financial Regulations;
- authorise the procurement of services and enter into contracts for the execution of works or supply of equipment as authorised by Council or its Committees and in line with Council's Financial Regulations;
- undertake the Annual Accounting Governance and Statement process with the internal and external auditor and Council;
- as Council's Health and Safety named representative take such action as is necessary to ensure the safety and security of Council's properties and those who use them, and
- to take such action as is necessary to fulfil their duties, as governed by Council's Standing Orders.

1.4 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.

1.5 In the absence of the Town Clerk/RFO, these duties shall be delegated to the Deputy Town Clerk.

1.6 Any reference to Council in this document is a reference to the corporate body of Wimborne Minster Town Council.

1.7 Any reference to Full Council is a reference to the regular meeting of Wimborne Minster Town Council's fourteen councillors.

2. Full Council

The following matters are reserved to **Full Council** for decision (RESOLVED), notwithstanding that the appropriate Committee(s) may make recommendations to Full Council for consideration (RECOMMENDED), if at least one third of the whole number of members of Council are present (1/3 of membership / 5 members), Councillors have signed a Declaration of Acceptance of Office, and agreed to abide by Council's adopted Code of Conduct, in relation to:

- review Council's Strategic Plan with relevant Committee's and recommend forward programmes, projects and other steps necessary to achieve the Council's objectives in whole or in part during specific time spans,
- consider the annual estimates of expenditure and income (budget) of Council and set an annual precept to be issued upon Dorset Council as recommended by the Finance and Governance Committee,
- approve of the Annual Return as recommended by the Finance and Governance Committee,
- approve arrangements to secure the proper administration of the financial affairs of the Council under Section 151 of the Local Government Act 1972 or such other relevant legislation as recommended by the Finance and Governance Committee,
- approve any payments already made for expenditure which have been previously authorised within Standing Orders or within Financial Regulations when the Finance and Governance Committee is not able to meet,
- consider expenditure requests from all committees where costs / estimated costs) exceed agreed annual budget by more than 10 per cent / over £7,500 (whichever is the minimum),
- consider expenditure within generally agreed budgets but on items insufficiently clarified,
- consider recommendations from the Finance and Governance Committee in relation to grants applications over £5,000, and any Service Level Agreements,
- consider the Town Mayor and councillor allowances annually,
- borrowing money for statutory functions and/or any other activity as deemed necessary and appropriate,
- approve the transfer of expenditure within overall approved estimates when the Finance and Governance Committee is not able to meet,
- authorise the disposal of surplus items of plant, furniture, equipment and land or interests in land acquisition / disposal as recommended by the Finance and Governance Committee or when this Committee not able to meet,
- act upon or commission any services as deemed appropriate and in accordance with the annual budget and terms of reference of the Council or of Committees, including applying for any external grant funding,

- making, amending or revoking any governance documents including Standing Orders, Financial Regulations, Code of Conduct or this Scheme of Delegation as recommended by the Finance and Governance Committee,
- ensure compliance with the provisions of all necessary legislative requirements,
- authorise support for an objection to any relevant Bill during its passage through Parliament if an appropriate Committee is not able to meet,
- review crime and disorder responsibilities in terms of community safety and CCTV provision / liaison with partners including Dorset Police and Wimborne BID,
- nominate persons to represent the Council on other organisations,
- co-opt new Councillors onto the Council following any uncontested vacancies and to make arrangements as may be necessary for the appointment of a Casual Vacancy for the position of Town Councillor,
- elect the Town Mayor and Deputy Town Mayor at the beginning of the civic year,
- advise the Town Mayor on any matter relating to the execution of the functions of that office,
- approve the purchase of and repairs and maintenance to any civic insignia and to authorise and/or incur expense for items relating to civic events or civic matters,
- approve the purchase of civic gifts,
- appoint Committees and the members of the Committees,
- agree annually a meetings calendar of the Council and its Committees for the municipal year;
- receipt and note minutes and reports to the Council from Committees, Sub-Committees, Working Groups/Parties and Task and Finish Groups;
- to authorise the sealing of various documents with the Common Seal;
- the appointment and dismissal of the Town Clerk/RFO role, advertise for the appointment of the Town Clerk/RFO and make arrangements for interviews by an appointed panel as recommended by the HR Committee;
- agree and maintain staffing levels following recommendations from the HR Committee;
- review Council's Christmas Lights provision every three years,
- any other matters not delegated to a Committee, Sub-Committee or Officer.

Full Council is clerked by the Town Clerk (or the Deputy Town Clerk when the Town Clerk is on leave).

The Council's powers and duties will be delegated to the Standing Committees in accordance with the terms of reference below unless otherwise specified, legally permissible, and will be deemed the acts of Full Council. Full Council may at any time without prejudice to executive action already taken revoke any executive power delegated to a Committee.

## 3. Standing Committees

The specific responsibilities of each Committee are confirmed by Terms of Reference detailed below and confirms membership and number of seats, frequency of meetings, remit, reporting structure, and delegated authority.

The Town Mayor and Deputy Town Mayor are ex-officio members of all Committees as per Council's Standing Orders and as such have voting rights and are included as part of the quorum requirement for all committees.

All Committees are subject to the following principles:

- delegated powers are exercised in accordance with any policy or direction given by Full Council and subsequent decisions / acts are legally permissible;
- delegated powers are subject to the Council's Standing Orders, Financial Regulations and Code of Conduct;
- any unresolved differences between Committees shall be referred to Full Council for determination;
- Committees will refer to Council any matters being pursued by other local authority/statutory/voluntary or other bodies which have a beneficial or detrimental effect on the area of Wimborne Minster parish,
- act and spend monies in accordance with that agreed in the annual budget and within the terms of reference of the Committee,
- refer budget overspends (over 10% / £7,500 – whichever is the minimum) to Full Council
- undertake work as directed by Full Council including projects identified in Council's Strategic Plan;
- annually review and submit for Council's consideration committees Terms of References;

- election of Chairman and Vice Chairman for each civic year, and
- any matters of an urgent nature requiring settlement before the next meeting of the Committee will be referred to Full Council if time permits or may be dealt with by the Town Clerk after consultation with the Mayor and/or Deputy Town Mayor and/or Chair / Vice-Chair of the Committee but must be submitted for approval or otherwise to the next meeting of the Committee / Council (whichever is first).

Standing Sub-committees, formed by resolution of the Council at any time, shall be delegated powers at the time the Sub-committee is formed by means of a Minute from the relevant Committee or Full Council detailing the Terms of Reference.

3.1 **The Finance and Governance Committee** shall meet a minimum of six times a year, consist of eight Members, have a quorum of four members, and be delegated to make decisions on behalf of Full Council in relation to:

- review and submit for Full Council's consideration Standing Orders, Financial Regulations and Terms of Reference,
- review and submit policies and procedures relating to the proper and correct governance of Council,
- make a recommendation to Full Council regarding the setting of the precept in time for its annual budget setting meeting each year,
- prepare and submit for Full Council's consideration estimates of expenditure and income (budget) for each forthcoming year by the end of November, having had regard to estimates of expenditure approved by the other committees by the end of October, including changes to charges, and update a 5-year forecast of income and expenditure of the Council on continuing services,
- monitor the annual budget of the Council and report to the next Full Council meeting any concerns that the Council may exceed its full year total expenditure budget including a review of debtors and agree necessary action agree variances to the annual estimates where necessary,
- review, maintain and recommend to Full Council annually a financial register of assets and property belonging to the Council,
- authorise the acquisition or disposal of office equipment and assets as required enabling the staff to carry out their duties,
- disposal of office equipment and assets in accordance with the Council's disposal policy and make recommendations to Full Council for the use of powers to acquire by agreement, to appropriate, to dispose and / or acquire land of an interest in land;
- exercise control over the insurance of its property and liabilities and review cover,
- review and annually recommend to Full Council the payment of the Town Mayor and councillor allowances,
- receive the annual Statement of Audited Accounts and the Reports of both the External and Internal Auditors and make recommendations to Full Council on any actions required,
- review and manage the Council's risk management strategy and risk assessment and recommend to Full Council,
- review and submit for Full Council's consideration its system of internal audit,
- ensure that Committees receive up to date financial statements at a minimum on a quarterly basis,
- consider applications for grants and SLAs within a budget previously approved by the Council and to approve subject to the Council's policy on awarding of grants or SLAs as per Council's Community Gant Scheme Policy (any over £5,000 are reviewed with a recommendation to Full Council),
- act upon or commission any services as deemed appropriate and in accordance with the annual budget and terms of reference of the Committee, including applying for any external grant funding,
- review and make recommendations to Full Council on the use of General and Ear Marked Reserves, and
- maintain the register of all Town Council property and ensure and maintain its registered title at the Land Registry.

The Committee will be clerked by the Town Clerk (or the Deputy Town Clerk when the Town Clerk is on leave).

3.2 The **Recreation, Leisure and Building Committee** shall meet a minimum of six times a year, consist of eight Members, have a quorum of four, and shall be delegated to make decisions on behalf of Full Council in relation to:

- the management of Council facilities, assets, services and activities, including, but not limited to, the following:

  - Town Hall and offices
  - Jubilee Garden
  - all other open spaces and properties in the responsibility of the Town Council, including those leased by the Town Council as landlord to 3rd parties,
  - Pavilion, Redcotts
  - Roundhouse, Redcotts
  - Public toilets, Redcotts
  - Grounds staff workshops, Redcotts,
  - Play areas at Redcotts and Leigh Park
  - Skate park Redcotts,
  - Football pitches Redcotts,
  - Street furniture
- prepare and submit for the Council's consideration estimates of expenditure and income for each forthcoming year for matters pertaining to the responsibility of the Committee by the end of October including a review of fees for all chargeable areas under the Committee's remit,
- receive reports from representatives of Council's facilities on a regular basis,
- put in place management plans for gardens/ open spaces and review annually,
- consider tree surveys for all Council managed land and approve a schedule of recommended management work,
- maintenance and upkeep of all vehicles and equipment used for grounds maintenance purposes and purchase items of plant, equipment and vehicles within approved budgets,
- advise Full Council on the provision of new and the modification of existing buildings and equipment related to the leisure, recreation, or amenity aspects of the Council's business,
- monitor and undertake quarterly inspections of Council's land and buildings, recreation areas and street furniture, report back to Committee, carry out improvements within budgetary provision and recommend to Full Council any matters outside this budgetary provision;
- ensure Council complies with the requirement of covenants etc. on each relevant area;
- review and submit for Full Council's consideration a Health & Safety policy and H & S compliance including disability discrimination and all compliance matters relevant to the Committee,
- review risk assessments for all physical assets on behalf of Council, and
- liaise with allotment holders and inspect plots regularly.

The Committee will be clerked by the Deputy Town Clerk (or the Town Clerk when the Deputy Town Clerk is on leave).

3.3 The **Planning and Environment Committee** shall meet in line with the planning authority's diary, shall consist of eight Members, have a quorum of four, and shall be delegated to make decisions on behalf of Full Council in the following matters:

<u>A. Planning</u>

- to comment on behalf of the Council on all planning and licensing applications and consultations relevant and in the Wimborne Minster town parish area, received from the local planning authority, and submit responses promptly (see appendix A) (Dorset Council), including those adjacent to Wimborne Minster Town Council area and any development outside the town boundaries which or would have an impact on the town; (including listed building, conservation area consents, consents for advertisement displays etc) and appeals;
- to comment on behalf of the Council on Local Plans, Structure Plans, Mineral Plans, Waste Plans, Regional Plans and any other Plan or Studies or consultations as considered appropriate, including routine transport issues and provide input to s.106 agreements or the equivalent;
- to comment on and make recommendations regarding all highways and parking issues within the town including waiting restrictions;
- consider and hold meetings with residents, developers or planning officers to assist with the formulation of observations and comments for any requests for pre-application discussions with any developer at Committee meetings and make a response on behalf of Council;
- review planning policy and procedures and make recommendations to Full Council to ensure that the Council is able to meet any additional requirements of the planning process;

- to receive, and where appropriate, respond to notifications on planning appeals including responses to the Planning Inspectorate;
- monitor and take appropriate action on planning issues in the neighbouring areas that could impact on the Town including infrastructure implications and new road schemes concerning the Town;
- to take the necessary action to refer enforcement or breach of planning permissions matters to the planning authority when such matters are brought to the attention of the Council and to pursue such matters until a conclusion has been reached;
- respond to street naming requests;
- any other matter which may be delegated to it by Council relevant to the Committee's Terms of Reference from time to time;
- comment on, monitor and request Tree Preservation Orders in liaison with the Tree Warden;
- liaise with partner agencies regarding highways, footpaths and waterways issues and meet with Dorset Councillors representing Wimborne Minster ward area for what purpose – need to state;
- consideration of a Wimborne Minster, Pamphill and Colehill Traffic, Transport and Footpath Advisory Group to act as a consultation body and make recommendations to the Committee (terms of reference - road safety issues, SIDs introduction and management, Rights or Ways, and transport issues cross boundary);
- consult with Wimborne BID and other relevant bodies with similar interests, including other town and parish councils and consideration of their recommendations, and
- be responsible to Council for any action in respect of conservation.

  Due to timescales, planning applications may be referred to Full Town Council meetings for comments and at the relevant agenda item(s) will be chaired by the Chairman of the Planning and Environment Committee. Committee meetings may be held online but only in the event of no formal resolutions being made. Delegated powers are to be given to the Town Clerk to comment on planning applications after consultation with the Chairman of the Committee for planning applications that fall outside a scheduled meeting date, in consultation with the Committee members by email.

B. Environment

- research, identify and make recommendations to Full Council on environmental issues and monitor progress through proactive reviews with local groups and as implemented in line with Council's Climate Emergency Action Plan that identify and drive green sustainable initiatives within the town and encourage a climate conscious community with a cleaner, healthier future, encouraging the buying of local produce wherever possible;
- promote, protect and enhance the quality of the natural environment which ensure our natural spaces are somewhere our community and visitors can enjoy by supporting the conservation of hedgerows, ponds and streams, a management plan for trees, hedgerow and wildflower, bulb and planting that are pollinator friendly and protect struggling butterflies and bees and other species;
- encourage the promotion of local biodiversity in all activities particularly land owned and /or managed by the Town Council and promote ecological interests to address the decline in protected species by collecting and considering evidence bases and recommend changes that will benefit our residents, visitors, our environment and climate;
- identify ways the Town Council can pro-actively undertake sustainable working practices with partners and local organisations that encourage minimising the amount of printing, recycling of products (wastepaper, cardboard, plastic and glass) across council owned/managed operational sites and community and encourage the transportation of goods by sourcing material and services locally (subject to value for money and quality) to minimise further environmental damage, and
- work together with partners such as the Dorset Local Nature Partnership (DLNP), Dorset Council, Dorset Wildlife Trust, Natural England, Wimborne BID and local organisations to better understand how we can protect and enhance our natural environment.

What are material planning considerations?

Local Planning Authorities can only take into account 'material planning considerations' when looking at comments and objections to a development proposal. The most common of these (although not an exhaustive list) are shown below:

- Loss of light or overshadowing
- Design, appearance and materials

• Overlooking/loss of privacy
• Visual amenity (but not loss of private view)
• Adequacy of parking/loading/turning
• Highway safety
• Traffic generation
• Noise and disturbance resulting from use
• Hazardous materials, contaminated land
• Smells and fumes
• Loss of trees
• Effect on listed building, conservation area or archaeological interest
• Layout and density of building
• Landscaping
• Road access
• Local, strategic, regional and national planning policies, including emerging policies
• Government circulars, orders and statutory instruments
• Previous planning decisions (including appeal decisions)
• Nature conservation & biodiversity issues
• Deficiencies in community/social facilities i.e. spaces in schools
• Capacity of local infrastructure i.e. public drainage or water systems

Local Planning Authorities cannot take into account matters which are sometimes raised but are not normally planning considerations such as:

• The perceived loss of property value
• Private disputes between neighbours
• The loss of a view
• The impact of construction work or competition between firms
• Restrictive covenants
• Ownerships disputes
• Personal morals or views about the applicant
• Boundary disputes

The Committee will be clerked by the Deputy Town Clerk (or the Town Clerk when the Deputy Town Clerk is on leave).

3.4 The **HR Committee** shall meet a minimum of two times a year, consist of five Members, have a quorum of four members, and be delegated to make decisions on behalf of Full Council in relation to:

- handle staff grievances and disciplinary action in line with the Council's policies,
- review, monitor and submit HR policies and procedures in consultation with Council's HR contractor, NALC, SLCC, ACAS and staff,
- ensure that all Officers are conversant with the Employees Handbook governing their modus operandi at work,
- ensure appraisals are conducted for all Officers and conduct the Town Clerk's annual appraisal,
- handle staff grievances in accordance with Council's Grievance Policy,
- handle staff disciplinary matters in accordance with Council's Disciplinary Policy,
- authorise the advertisement of vacant posts within an agreed staff establishment for posts on or above SCP 23, other than for the post of Town Clerk which must be the responsibility of the Council,
- approve the payment of reasonable expenses in relation to the appointment of staff,
- agree contracts, job descriptions and suitable salaries for all staff - at the Committee's discretion this matter may be delegated to the Mayor and/or the Chair and/or Vice-Chair of the Committee and the Town Clerk for progression who will report back to the Committee,
- develop and monitor an annual training programme for staff and members,
- consider and implement any changes which are required to comply with legislation and Terms and Conditions of Service as laid down by the National Joint Council (Green Book) and recommended by the National Association of Local Councils and Society of Local Council Clerks
- maintain the staffing levels necessary to efficiently discharge the work required by Council, review staffing requirements when required and make recommendations to Full Council,
- authorise the attendance of Members or Officers at conferences or courses including the incurring of necessary expenditure,
- maintain confidentiality over all staffing matters as required under the 2018 General Data Protection Regulations and the 2018 Data Protection Act as well as the Code of Conduct, and
- monitor overall welfare of staff (delegating the day-to-day line management to the Town Clerk) via reports from the Town Clerk (e.g., sickness, leave, flexible leave requirements, OH issues, TOIL and overtime), or Town Mayor in relation to the Town Clerk.

Wimborne Minster Town Council recognises the Transfer of Undertakings Protection of Employment regulations 2006 known as TUPE and is committed to working with accredited trade unions to promote a good working relationship with its staff.
A HR Sub-committee may be convened to keep confidential its deliberations and decisions in cases of Grievance, Disciplinary and Capability hearings, because if an Appeal against a decision is received it must, legally and in the interests of fairness, be heard again by elected members with no prior knowledge of the case. In order to ensure as far as possible that such matters as Appraisal, Grievance, Disciplinary and Capability issues are dealt with professionally and in accordance with Employment legislation, all members of the Personnel Sub-committee must agree to undertake training in these matters. This Committee may decide that it wishes to refer such matters to the Council for final decision, subject to the matters reserved for final decision for legal reasons.
The Committee will be clerked by the Town Clerk or the Deputy Town Clerk if the Town Clerk has a conflict of interest for a particular item.

**3.5** The **Community, Events and Liaison Committee** shall meet a minimum of six times a year, consist of eight Members, have a quorum of four members, and be delegated to make decisions on behalf of Full Council in relation to:

- review, manage and successfully deliver Council's annual scheduled civic and non- civic events in the town within budget including (and not exclusively) Christmas lights switch on, New Year's Eve, Civic Thanksgiving Service, Annual Parishioners Meeting, and other events in partnership with local organisations,
- recommend any public engagement exercises that may be considered necessary or beneficial following consultation with residents and other relevant organisations with similar interests, which encourage events that benefit the residents and visitors of the Town;
- confirm format and dates for all events and provide an annual diarised scheme of said events to Full Council,
- provide budget estimates to the Finance and Governance Committee for the following financial year in October,
- provide best value including gaining funding / sponsorship opportunities for events,
- review feedback from civic and non-civic events,
- consider request from outside groups and organisations to partner in events and activities and subsequently make recommendations to Council,
- health and safety compliance (including risk assessments), liaison with Dorset Council Safety Advisory Group, insurance requirements/cover and volunteer management,
- liaison with groups and other similar organisations that promote the Town (see below),
- review, deliver and monitor youth services provision to the Town,
- pro-actively manage PR, website and social media presence/publicity.

The Committee will be clerked by the Community Events and Liaison Officer (or another officer if required).

Organisation / Group liaison (this list is not exhaustive):

| | | |
|---|---|---|
| Wimborne in Bloom | Wimborne Militia | Quarterjacks Marching Band |
| Allendale Community Centre | Dreamboats | Museum of East Dorset |
| Watford Mill | Planet Wimborne | Twinning Associations |
| Wimborne Minster Folk Festival | Wimborne BID | Wimborne War on Waste |
| Vision Wimborne | Wimborne Royal British Legion | Wimborne Minster |
| Wimborne Chamber of Commerce | | |

4. <u>Working Groups/Parties</u>

4.1 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.

4.2 Council current hosts a Town Liaison Group meeting on a monthly basis chaired by the Town Mayor, within the following terms of reference:

- to provide a forum for the exchange of information between Council, Wimborne BID, Wimborne Chamber of Trade, Wimborne in Bloom, the Minster, Vision Wimborne and Wimborne Militia in order to advance the retail

and commercial life of Wimborne Minster as well as improving the leisure experience for the benefit of residents, local businesses and visitors,

- advise Council on all relevant matter affecting Wimborne Minster including forthcoming events and associated activities and funding if required,
- membership – two councillors from Council, two councillors from Dorset Council, Council officers, DC officers representing Highways and one from other local groups,
- quorum – one representative from the Council, Wimborne BID and one other local organisation.

[end]