



LEIGH-ON-SEA TOWN COUNCIL

Terms of Reference and Scheme of Delegation

Council

Finance & Governance Committee

Staffing Committee

Community Committee

Planning, Highways & Licensing Committee

Officer Delegations

ADOPTED NOVEMBER 2018

REVIEWED MAY 2021

COUNCIL

TERMS OF REFERENCE

Membership shall comprise all members of the Council.

No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three with one officer in attendance. The Lead Officer is the Town Clerk.

A Chairman and Vice Chairman shall be elected at the Annual Council Meeting and in accordance with Standing Orders shall be ex officio members of all Committees in addition to the stated numbers below.

MATTERS TO BE DEALT WITH SOLELY BY THE COUNCIL

1. To raise loans and to set the town precept.
2. Approval of the Annual Return and Audit of Accounts
3. Adopting or changing all policies including Standing Orders, Financial Regulations and the Scheme of Delegation
4. To have the power of incurring capital expenditure not specifically included in the Council's approved estimate of expenditure
5. Appointment and dissolution of Standing Committees and appointment of members on those committees
6. Dates of meetings of the Council.
7. Appointing or nominating Council representatives to outside bodies.
8. Filling of vacancies occurring on any Committee of the Council during the Council year
9. The appointment to or co-option on a Committee of a person (on a strictly non-voting basis) who is not a member of the Council or the Committee
10. Authorising the taking of legal action by the Council.
11. The appointment and dismissal of the Town Clerk.
12. To manage and review the Council's assets.
13. To negotiate the transfer or management of assets from other bodies as enabled by legislation.
14. Strategic and visionary planning
15. All other matters which must, by law, be reserved to the Council

COMMITTEE TERMS OF REFERENCE AND SCHEME OF DELEGATIONS

Committees may exercise delegated functions on behalf of the Council under the following terms of reference, subject to:

- a) The Council's approved Budget and Financial Regulations
- b) Any previous minuted decision of the Council
- c) Any matters reserved to the Council by law

Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council.

The Council and each Committee is authorised to establish Task and Finish Groups and to appoint advisers as and when necessary to assist in its work. The work of a Task and Finish Group will be decided upon at the time it is formed by means of a Minute detailing the terms of reference. Each Task and Finish Group will report back with recommendations to the Council or the Committee that formed it.

Project Discussion Groups can be called by the Council and each Committee and are covered by Standing Order 5

FINANCE & GOVERNANCE COMMITTEE

TERMS OF REFERENCE

Membership shall comprise 7 Councillors:

The quorum of the Committee shall be three members with one officer in attendance. The Lead Officer is the Town Clerk.

The Chairman and Vice Chairman shall be elected at the Annual Council Meeting by the members of the Finance & Governance Committee.

Note: The Chairman and Vice Chairman of Finance & Governance are required in accordance with the Council's Risk Register to undertake compliance checks. Therefore the positions must be held by Councillors willing to do this.

PURPOSE

To develop, monitor and review Council policies and functions and review the Council's accounts and finances.

SCHEME OF DELEGATION

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

1. To be responsible for allocating and controlling the financial resources of the Council
2. To advise the Council on any policy changes in the Council's management or administrative procedures
3. To consider the financial estimates of the Council and recommend the precept to be levied
4. To be responsible for the Council's Revenue and Capital Budget and the works scheduled therein
5. To be responsible for the collection of all revenue, the renewal of loans and insurance
6. To be responsible for the banking, financial and accounting methods adopted by the Council
7. To consider the delegation of appropriate services to the Council from other authorities
8. To deal with Grant Aid Award applications
9. To manage health and safety policy and issues
10. All matters relating to internal and external audit. To ensure that an adequate and effective system of internal controls is in place to secure the integrity of finances and any other information, including effective systems of risk management and consideration of an action on all reports emanating from the internal and external auditors.
11. To negotiate any changes to existing lease agreements, and negotiate terms for all new lease agreements
12. To develop policy and arrangements for partnerships with all external bodies
13. To oversee preparations for any external relationships for emergency planning and community safety
14. Any other matter which may be delegated to it by the Council from time to time

STAFFING COMMITTEE

TERMS OF REFERENCE

Membership shall comprise 5 Councillors.

The quorum of the Committee shall be three members with one officer in attendance. The Lead officer is the Town Clerk.

The Chairman and Vice Chairman shall be elected at the Annual Council Meeting by the members of the Staffing Committee.

The Committee shall meet at least once a year in accordance with Financial Regulation 4.4 and where there is a staffing necessity.

PURPOSE

To consider and deal with all matters affecting staffing issues except where the overall staffing budget will be exceeded. In such cases the Committee will make a recommendation to the Finance & Governance Committee.

SCHEME OF DELEGATION

To deal under delegated powers to resolve personnel issues, including contracts of employment, pay scales, redundancy, grievances and disciplinary matters.

The Town Clerk shall be responsible for the day to day management of staff under delegated authority

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

1. To establish and keep under review the staffing structure and make recommendations to the Council.
2. To draft, implement, review, monitor and revise policies for staff
3. To review staff salaries and terms of conditions and make recommendations to Council.
4. To oversee execution of new employment contracts and changes to contracts
5. To keep under review staff working conditions and health and safety at work for all Council employees
6. To monitor and address regular or sustained staff absence
7. To appoint from its membership a recruitment panel of three when necessary for the appointment and dismissal of a Town Clerk making recommendations to Council
8. To appoint three members, who are not on the Staffing Committee when necessary to act as a disciplinary panel as set out in the Staff Handbook and as an appeals panel in the case of any appeal against disciplinary action taken by the Town Clerk.
9. To appoint from its membership three members when necessary to hear any formal grievance made by the Town Clerk and any appeal by other staff against the outcome of a grievance investigation undertaken by the Town Clerk.
10. To appoint an appraisal panel of three members for the Town Clerk's appraisal process as defined.

11. Any other matter which may be delegated by Council from time to time

FINANCE

1. Submit an annual proposed budget to Finance & Governance Committee.
2. Comply with the Council's Financial Regulations

COMMUNITY & CULTURE COMMITTEE

TERMS OF REFERENCE

Membership shall comprise 7 Councillors:

The quorum of the Committee shall be three members with one officer in attendance. The Lead Officer shall be the Town Clerk.

The Chairman and Vice Chairman shall be elected at the Annual Council Meeting by the members of the Community & Culture Committee.

PURPOSE

To consider and develop all leisure, foreshore and environmental matters relating to the Council's business. Responsibility for all Council premises and assets and for supporting the operation of the Leigh Community Centre (LCC) and considering their further development and the development of other facilities.

SCHEME OF DELEGATION

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

ENVIRONMENT

All matters pertaining to the environment including:

- Waste and refuse issues in the Town
- Heritage and public spaces

ALLOTMENTS

Oversee the administration, management and maintenance of the allotments and Allotment Societies (under their service agreements) which will be managed by the Town Clerk under delegated powers.

LEIGH COMMUNITY CENTRE

1. Oversee the management of LCC by Officers with delegated authority in all operational matters.
2. To receive reports and recommendations from liaison groups such as the Arts Group including the Art Wall and Artist in Residence programme.

COMMUNITY FACILITIES

1. Overseeing the management, administration and provision of assets including:
 - Skatepark
 - Strand Wharf
 - Paddling Pool
 - Street furniture

FINANCE

1. Submit an annual proposed budget to Finance & Governance Committee.
2. Comply with the Council's Financial Regulations.

OTHER ACTIVITIES

Such other activities which are pertinent to its role including:

1. Supporting appropriate officers (under delegated powers) in the arrangement and organisation of the Farmers' Markets.
2. Supporting appropriate officers (under delegated powers) in the arrangement of the Council's events programme and promotion of events in Leigh organised by other voluntary and community groups
3. Supporting appropriate officers (under delegated powers) in the arrangement and organisation of the Community Transport Programme
4. The consideration of funding other organisations to provide services such as a first aid post, school crossing etc.
5. Liaison, joint programmes, partnerships etc. with other local authorities and bodies e.g. Special Constables Scheme, Youth Club
6. Receive reports from any Council appointed representative to other bodies relevant to the Committee.
7. To formulate proposals for major projects for consideration by Finance & Governance Committee
8. Any other matter which may be delegated by Council from time to time.

PLANNING, HIGHWAYS & LICENSING COMMITTEE

TERMS OF REFERENCE

Membership shall comprise 7 Councillors.

The quorum of the Committee shall be three members with one officer in attendance. The Lead Officer is the Assistant Town Clerk.

Any member of the Committee when unable to attend may send a substitute member of Council who shall have full voting rights.

Where a meeting is not quorate, Standing Order 30 applies.

The Chairman and Vice Chairman shall be elected at the Annual Council Meeting by the members of PH&L Committee.

PURPOSE

To make observations where appropriate on all planning applications within the Council area and Government and Borough Council planning consultations and to make site visits where necessary.

To make observations on any Licensing application within the Council area the Committee thinks appropriate.

To make observations on any relevant Highway issue referred from or being discussed by the Highway Authority.

SCHEME OF DELEGATION

The Planning, Highways & Licensing Committee shall be delegated to make decisions on behalf of the Council in the following matters:

PLANNING

1. Exercise the Town Council's statutory right to be notified of and comment on planning, listed buildings, conservation area and tree applications
2. Represent the precept payers of Leigh Town Council on major planning issues and to encourage participation in decision making.
3. Consider the environmental impact of planning proposals
4. Make representations either in writing or by attendance by a nominated officer or member at planning appeals if required.
5. Make observations on any planning consultation.

HIGHWAYS

1. Consider Traffic Regulation Orders.
2. Respond to any consultations or matters on traffic and transport affecting the Council area.

3. Make representations either in writing or by attendance by a nominated officer or member at Highway appeals if required.
4. Consider matters pertaining to traffic management/road safety in the Council area.

LICENSING

1. Make observations on any relevant Licensing application.
2. Agree nominations to represent the views of the Council at licensing hearings if required.

FINANCE

1. Submit an annual proposed budget to Finance & Governance Committee.

OTHER ACTIVITIES

1. Receive reports from any Council appointed representative to other bodies relevant to the Committee.
2. Any other matter which may be delegated by Council from time to time.

SCHEME OF DELEGATION TO THE TOWN CLERK

INTRODUCTION

The powers and duties set out in this scheme are delegated to the Town Clerk. The Town Clerk may delegate these duties and powers to other Officers within the Council.

The Town Clerk is also the Council's Responsible Financial Officer and the Proper Officer and responsible for the management of the organisation.

Extent of Delegation

- The delegations in this Scheme are subject to any limitations imposed by law, the budget and the Council's Standing Orders and Financial Regulations.
- The Town Clerk 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.
- Provided that such authorisation is not prohibited by statute the Town Clerk to whom a power, duty or function is delegated may authorise another Officer to exercise that power, duty or function, subject to:
 - Such authorisations being in writing
 - Only being given to an Officer below the delegating officer in the organisational structure
 - Only being given where there is significant administrative convenience in doing so
 - The Officer authorised by the Town Clerk acting in the name of the Town Clerk
 - Such authorisation not being prohibited by statute.
- A delegation to a subordinate Officer shall not prevent the Town Clerk from exercising the same power or duty at the same time.
- The Town Clerk may withdraw delegated power from an Officer for such period of time as he/she considers appropriate
- As part of this Scheme, the Town Clerk is authorised to change the designations of an Officer as and when appropriate and without reference to the Council.

General Matters

The Town Clerk is authorised to:

- Sign, or where appropriate, have sealed on behalf of the Council, any Orders, Deeds or Documents necessary to give effect to any of the matters contained in reports or in any resolution passed by the Council
- Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council
- Institute and appear in any legal proceedings authorised by the Council
- To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Leigh-on-Sea)
- Alter the date or time of a Council or Committee meeting in consultation with the Chairman of Council or Chairman of the Committee.
- To decide arrangements for the closure of the Council offices and Community Centre in the Christmas/New Year period in consultation with the Chairman of Council

- Deal with day to day matters relating to the use of office accommodation space
- Negotiate and enter into contractual arrangements for artistes and promoters in relation to events held in Leigh-on-Sea organised by the Council and programmes of entertainment
- Manage all the Council's current services
- To act as the Council's Designated Officer for the purposes of the Freedom of Information Act 2000
- To apply for planning consent for the carrying out of development by the Council
- To manage, monitor and review the Council's internal control procedures and policies with recommendation where appropriate to Council or Committee

Financial Matters

The Town Clerk is authorised to:

- Be the RFO for the purposes of Section 151 of the Local Government Act 1972
- Operate the Council's banking arrangements
- Prepare a draft budget for consideration by Committees and the Council
- Prepare the final accounts for each financial year
- Incur expenditure up to a maximum of £1,000 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and requirement of the Council's Financial Regulations
- Pay all accounts properly incurred
- Pay all subscriptions to organisations to which the Council belongs
- To collect all income due to the Council, including appropriate interest and costs
- Make all necessary arrangements for the provision of an internal and external audit service for the Council
- Negotiate settlements in connection with claims made by and against the Council in consultation with the Council's insurers where appropriate
- Incur expenditure on revenue items within the approved estimate and budgets under the Council's control
- Incur expenditure on capital schemes within the Council's approved capital programme
- Use the Repairs and Maintenance Budgets for the maintenance, replacement or repair of existing plant, equipment and buildings
- Enter into leasing and contract hire agreements for the acquisition of equipment on such terms as are considered appropriate.
- Accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:
 - The cost not exceeding the amount approved estimate
 - The tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation
 - All the requirements of the Council's Financial Regulations being complied with
- Compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations
- Carry out virement of sums between cost centres in accordance with the Council's Financial Regulations
- Manage investments and raise and repay loans as appropriate and obtain such other sources of credit as are required in accordance with the Financial Regulations
- Authorise action for the recovery of debts
- Maintain a Register of Assets and Inventory of Equipment
- Determine the Town Council's insurance requirements on the Council's behalf
- Make all necessary arrangements for the Council's insurances

- To write off debts of up to £75 where the sum is considered irrecoverable

Staffing Matters

The Town clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:

- Advising Council on proper terms and conditions of employment and levels of staffing.
- Appointments to posts including apprentices and temporary staff
- Preparation of the job description and person specification
- Administering staff recruitment
- The approval of individual salary gradings within any job grading structure approved by the Council
- Paying wages and salaries in accordance with agreed contracts
- Management of staff performance
- Control of discipline and performance, including the power of suspension
- Exercise of disciplinary and grievance procedures in accordance with the Council's procedures
- Determine approved duties for the payment of travel expenses to Members and Officers where they represent the Council outside of the Council area
- Approve payment of overtime
- Agree minor variations to the condition of employment
- Implement and monitor the arrangement for annual leave, TOIL (time off in lieu), flexi time, sickness absence, maternity and paternity leave in accordance with the Council's policies
- Authorise training in line with the Council's policies
- The approval of financial allowances to staff for travelling and subsistence
- Authorise the provision of uniforms or protective clothing
- Negotiate settlements on behalf of the Council for the Staffing Committee to agree in relation to any proceedings in an Employment Tribunal
- Agree to premature retirement on the ground of duly certified ill health in accordance with Council's procedures
- Terminate employment during probation
- Commission legal and professional advice on staffing matters

Property Matters

The Town Clerk is given authority to manage the land and property of the Council including:

- The granting or refusal of the Council's consent under the terms of any lease, licence or tenancy
- The granting or refusal of easements, wayleaves and licences over Council land
- Initiating legal action or proceedings against unauthorised encampments or encroachments on Council land
- Directing the custody of Council property and documents in accordance with the provisions of the Local Government Act 1972 s.226
- Exercising responsibility for the safe custody and maintenance of the civic regalia
- Conduct rent reviews
- To make applications for all statutory consents necessitated by an approved Council proposal or development
- To place architectural, quantity surveying, civil engineering and other similar specialist work with outside agencies within the appropriate fee scale and the Council's relevant estimates, Standing orders and Financial Regulations

- To appoint the Principal Contractor and Planning Supervisors for the purposes of the Construction (Design and Management) Regulations.
- To requisition off site services in respect of any construction contract approved by the Council

Urgency

The Town Clerk is authorised subject to Financial Regulations, to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council or relevant Committee. The Chairman of the Council and the Chairman of any relevant Committee are to be consulted where possible before such action is taken.

Emergency Planning

The Town Clerk is authorised to implement the Council's Business Continuity Action Plan or assist with the implementation of the Borough Emergency Plan and to incur any necessary expenditure. Any such action is to be reported to the next meeting of the Council or relevant Committee. The Chairman of the Council and the Chairman of any relevant Committee are to be consulted where possible before such action is taken.

Procedural

The Town Clerk can:

- Authorise Officers to exercise statutory powers of entry and inspection for the purposes of any function under the Council's control
- Serve requests for information as to ownership and other interest in land for the purposes of any function under the Council's control
- Appoint consultants and other professionals to carry out any function and provide any service under the Council's control

Health and Safety at Work Act 1974

To oversee the discharge of the Council's responsibilities under the Act

Legal Proceedings

The Town Clerk is authorised to:

- Instruct solicitors, Counsel or agents to act on behalf of the Council as required
- Subject to prior consultation with the Chairman of Council and/or relevant Committee Chairman, to take and defend proceedings in any court or tribunal
- Seek injunctions and commence proceedings for the purpose of:
 - Enforcement in accordance with the Council's policies
 - Recovering money due to the Council
 - Recovering or otherwise preserving possession of the Council's land or property
 - Defending the interests of the Council
- Appealing against a decision affecting the interests of the Council and responding to appeals against action taken by the Council
- Represent the Council at Court or any Tribunal or to make arrangements for appropriate representation
- Negotiate and settle the terms of documents to give effect to a decision of the Council or any of the Committees or of any Officer acting under delegated powers
- Apply the affixing of the Common Seal of the Council to documents in accordance with Standing Orders

- Be the responsible Officer for the co-ordination and operation for the legal requirements under General Data Protection Regulations (GDPR) and the Freedom of Information Act 2000
- Serve Requisitions for Information

Services

The Town Clerk is authorised to control and manage the following day to day services of the Council within the agreed annual budgets and subject to Council policies and procedures:

- Farmers' Market
- Community Transport
- Events and activities programme
- Christmas Lighting scheme and hanging basket decorations
- Allotments sites
- Leigh Community Centre
- Strand Wharf
- Skate Park
- Paddling Pool
- Street Furniture
- Volunteer Programme
- Community Specials Programme
- Website and social media
- Council publications
- Public consultations
- Electoral Matters
- Member Training
- IT and Communication systems
- Any other day to day service the Council may implement