

Lewes Town Council

Scheme of Delegation

Adopted at Full Council on 18th April 2023, minute reference 131

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 Proper Officer and Responsible Financial Officer (which may be one and the same person), Standing Committees (and Sub-committees if relevant) of Lewes Town Council (the Council) to act with delegated authority in the specific circumstances. Items in **bold** are a statutory requirement

1. Proper Officer and Responsible Financial Officer - Duties and Powers

1.1. Proper Officer

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 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 Lewes District 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);**
- **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in that office;**

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;
- authorisation of routine expenditure within the agreed budget;
- emergency expenditure up to £10,000 outside of the agreed budget as per Council's Financial Regulations in consultation with the Chair and Vice Chair of Council or the Chair/Vice Chair of the appropriate Committee if the Council Chair/Vice Chair 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.

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.

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

1.2 Responsible Financial Officer

The Town Clerk may also be the Responsible Financial Officer to the Council and as RFO 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). The RFO may also be another so appointed member of staff.

2. Town Council

2.1 The following matters are reserved to **Full Council** for decision, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration:

- setting the precept;
- borrowing money;
- power of incurring capital expenditure not specifically included in the Council's approved estimate of expenditure for the current budget;
- making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation including to delegate to the committee powers and duties in accordance with their approved Terms of Reference or to Officers.;
- making, amending or revoking by-laws;
- making of Orders under any statutory powers;
- decide matters of principle or policy;
- nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings);
- any proposed new undertakings;
- the appointment of the Town Mayor;
- prosecution or defence in a court of law;
- nomination or appointment of representatives of the Council at any inquiry on matters affecting Lewes, excluding those matters specific to a committee;
- approving the annual return;
- review and confirm Council's eligibility to exercise the General Power of Competence;
- to set dates of meetings of the Council and its Committees;
- to oversee the conduct of the Council and the Committees endeavouring to act in the best interests of all residents;
- consider civic activities/local democracy matters;

- make resolutions regarding town twinning;
- receipt of reports to the Council from various Committees, Sub-Committees and Working Parties;
- to authorise the sealing of various documents with the Common Seal;
- consideration of new and reviews of consultation and policy documents of other bodies and any other consultation documents not appropriate for delegating to Committees;
- the appointment and dismissal of the Town Clerk/RFO role, and
- any other matters not delegated to a Committee, Sub-Committee or Project Steering Group or Working Party or referred to the Council by a Committee, Sub-Committee, or Project Steering Group or Working Party.

3. Standing Committees

Lewes Town Council shall appoint a number of Committees to undertake work for and on behalf of Council. 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 of each Committee and reporting structure, and delegated authority.

All Committee members shall be required to undertake training appropriate for that Committee

All Committees are subject to the following principles:

- delegated powers are exercised in accordance with any policy or direction given by Council;
- delegated powers are subject to the Council's Standing Orders and Financial Regulations;
- 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 town and parish of Lewes;
- All Minutes of Standing Committees shall be approved at Full Council Meetings to ensure that all Members are aware of the work being undertaken by the Committees and that recommendations to Full Council are appropriately ratified.

3.1 The Personnel Committee

Shall meet six times a year (bi-monthly), shall consist of 7 Members, all members shall receive training in the Council's role as the employer of officers, have a quorum of four, and be delegated to make decisions on behalf of the Council in the following matters:

- to examine, review, implement and develop, on behalf of Council, various policies, procedures, new projects and strategies relating to Council including HR policies in consultation with staff;
- community engagement on issues linked to the purpose of this committee including partnership working;
- make recommendations to Council on the annual staffing budget;
- determine staff conditions of service including salary scales, working conditions, employee assessments and evaluations and make budget recommendations to Council in October;
- 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 the Council;
- review job descriptions, person specifications, staff establishment (including promotion, re-grading, redundancies and fixed term contracts) and to approve contracts of employment;
- 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;
- oversee staff and Member development including identify training opportunities and ensure that all training needs are met;
- ensure adequate oversight of recruitment of other members of staff, in a manner to be determined by the Committee and Town Clerk;
- ensure hearings for Grievance, Disciplinary and Capability matters are dealt with in accordance with the Councils Grievance and Disciplinary Procedure (only reporting to Council when the time for any Appeal has passed);
- where appropriate, appoint a panel (see below – *Grievance Sub Committee*) to hear complaints made under the Council's Grievance and Disciplinary Procedure and full delegated responsibility to take whatever action necessary and if appropriate seek outside professional assistance in order to conclude a disciplinary or grievance matter;
- manage the selection process for the recruitment of the Town Clerk/RFO, and make recommendation for appointment to The Council as required including budget requirements;
- review the appraisal of the Town Clerk's performance by the town Mayor and 2 other appointed Councillors;
- receive the Town Clerk's annual appraisal of staff members performance;
- oversee the development of policies and processes with respect to Health and Safety at work and other relevant regulations that fall within the remit of the Committee;
- recommend to Council any new posts, or changes to posts including terms and conditions, which would have implications for the budget, and
- overall performance and welfare of the staff (delegating the day-to-day line management to the Town Clerk) and receive reports from the Town Clerk (e.g., sickness, leave, flexible leave requirements, OH issues, TOIL and overtime)
- to have due consideration for all matters relating to equality, diversity, inclusion and the living wage.

Lewes 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 Grievance Sub-committee shall 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 Grievance 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.

3.2 The Finance Committee

Shall meet six times a year (bi-monthly), shall consist of seven Members, all members shall receive training in the Council's financial function, have a quorum of four, and be delegated to make decisions on behalf of Council in the following matters:

- review finance policies and procedures, and make recommendations for any changes if needed;
- to consider and review the financial administration of Council business including internal controls and make recommendations to the Council (with the exception of those at paragraph 3.1 above);
- oversee the preparation of the annual budget for consideration by Council and update a 5-year forecast of income and expenditure of the Council on continuing services;
- make a recommendation to Council regarding the setting of the precept in time for its annual budget setting meeting each year;
- monitor the annual budget of the Council and report to the next 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;
- ensure that the annual audit occurs and the financial reports are prepared in accordance with any accounting, audit and statutory requirements;
- to consider and make recommendation to Council on the approval of the annual accounts for audit;
- to consider, review and make recommendations on the appointment of the internal auditor regularly (every three to five years) and review performance;
- to receive and approve a schedule of payments and review bank reconciliation and bank statements at a minimum quarterly;
- receive and approve changes to charges;
- review Council's Financial Risk Strategy and Assessment annually including insurance requirements;
- agree virements between approved budget headings;
- review and make recommendations to the Council on the use of General and Ear Marked Reserves;
- consider drafting, negotiating and renewing leasing/licensing agreements/terms and conditions for all Council property and land and make recommendations to the appropriate Committee and/or Council;
- obtain three quotes/tenders for any expenditure item over £2,500;
- consider the securing and security of property and land relevant to the Committee;
- consider the renewal of leasing/licensing agreements and make proper resolution to Council if it is not felt appropriate to continue such an agreement;
- review all pricing charges associated with Council services and facilities annually as recommended by Committees;
- consider and make recommendations to Council in respect of Grant Aid requests in line with Council's Grant Aid Policy;
- make recommendations to Council regarding the Crime and Disorder Act 1998, following consultation with the appropriate bodies;
- make recommendations to Council regarding the prosecution or defence of any legal proceedings;
- make recommendations to Council for the use of powers to acquire by agreement, to appropriate, to dispose of land;
- make recommendations to Council for the use of its powers to promote a lottery;
- make recommendations to the Council for the use of its powers to accept gifts, including land;

- make recommendations to the Council regarding the future provision of civic regalia;
- agree the use by any other organisation of the Town Crest, and
- consider any other matter referred to the Committee by Council.

3.3 The Buildings and Amenities Committee

Shall meet six times a year (bi-monthly), shall consist of seven Members, have a quorum of four, and shall be delegated to make decisions on behalf of the Council in the following matters:

- provision, maintenance, management, marketing and service function of Council property/buildings, land, recreation areas, and street furniture and to work within the individual delegated authority budget;
- consultation with other relevant bodies with similar interests, including other Town Council committees and sub-committees, and consideration of their recommendations to encourage the use of cultural, sporting and community activities for the benefit of the residents and visitors of Lewes parish;
- maximisation of the use of the present Council recreational facilities;
- maintenance and upkeep of all vehicles and equipment used for grounds maintenance purposes;
- monitor and commission regular inspections of Council's land and buildings, recreation areas and street furniture, report back to Committee, and carry out improvements within budgetary provision and recommend to Council any matters outside this budgetary provision;
- to maintain the register of all Town Council property and ensure and maintain its registered title at the Land Registry;
- maintain the exterior and structural fabric of all Council buildings/structures;
- consider the securing and security of all Council property and land, recreation areas and street furniture and make recommendations to the appropriate committee or Council;
- ensure Council complies with the requirement of covenants etc. on each area;
- develop management plans for the future needs of each area and submit to the Finance Committee an annual budget estimate of income and expenditure;
- review tree surveys for all areas and approve a schedule of recommended management work
- acceptance of tenders and supervision of contracted projects – provided expenditure is within the budgetary provision and is for areas within the scope of the committee;
- liaise with allotment holders and inspect plots regularly;
- community safety and CCTV liaison with partners;
- aspects of Health and Safety that fall within the remit of the Committee and report any issues back to the Finance Committee;
- review the level of fees and charges of the Committee's functions and make recommendations to the Finance Committee;
- active encouragement and promotion of the arts in Lewes parish, and
- liaison with Wildflower Lewes and Friends of Lewes and other similar organisations.

3.4 The Planning Committee

Shall meet on a monthly cycle (in line with the planning authority's diary), shall consist of seven Members, all members shall receive training in the Council's role as the statutory planning consultee, plus have a quorum of five, and shall be delegated to make decisions on behalf of the Council in the following matters:

- to comment on behalf of the Council on all planning and licensing applications and consultations relevant and in the Lewes parish area, received from the local planning authority, and submit responses promptly (see appendix 1) (South Downs National Park), including those adjacent to Lewes 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 on consultation with the Advisory Group (see below);
- consider and hold meetings with residents, community groups, 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 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;
- to receive, and where appropriate, respond to consultations;
- 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;
- 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 Chair of the Planning and Environment Committee.

Appendix 1 - 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:

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| • <i>Loss of light or overshadowing</i> | • <i>Design, appearance and materials</i> |
| • <i>Overlooking/loss of privacy</i> | • <i>Landscaping</i> |
| • <i>Visual amenity (but not loss of private view)</i> | • <i>Road access</i> |

- 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

- 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

5. Standing Sub-committees

5.1 May be formed by resolution of the Council at any time and delegated powers to be decided upon 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:

6. Working Groups/Parties

6.1 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. Working Groups are not required to produce Minutes or publish Agenda and will not be supported by Officer input.

7. Delegation - Limitations

7.1 Committees and Sub Committees shall, at all times, act in accordance with the Councils Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, By-laws or orders made and with any directions given by the Council from time to time.