



WITNEY
TOWN COUNCIL

Scheme of Delegation

Adopted:

Review Date:

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1. Introduction

This Scheme of Delegation outlines the responsibilities and decision-making processes within Witney Town Council, ensuring efficient governance, accountability, and transparency through appropriate delegation of authority.

Under Section 101(a) of the Local Government Act 1972, the Town Council has the power to arrange for the discharge of its functions to a committee, sub-committee, or officer of the authority. This scheme reflects the Council's use of that power and defines the framework within which Council Officers and Committees operate.

Delegation of certain decisions is essential for the effective operation of the Town Council, which manages a range of services and assets. While Members collectively make policy decisions through full Council and its Committees, no individual Member or informal grouping of Members holds authority to act or instruct Officers or contractors. Officers are responsible for advising Members on policy matters and ensuring those policies are carried out in accordance with the law, Council policies, and approved budgets.

The Scheme sets out:

- The roles and responsibilities of Officers and Committees;
- The job titles of those holding delegated authority;
- Any consultation requirements before action is taken;
- The importance of operating within the Council's strategic goals and legal obligations.

Day-to-day management of Council operations rests with the Town Clerk/CEO, who may nominate another named Officer or professional to carry out delegated duties. Such delegations must be recorded in writing.

All delegated powers must be exercised in accordance with the Council's Standing Orders, this Scheme, and any other relevant policies or conditions imposed by the Council. Any deviation from this Scheme must be reported to the Council at the earliest opportunity, with an explanation of the circumstances.

This Scheme will remain in force on an ongoing basis and will be reviewed annually, or sooner if required, to ensure it remains current and effective.

General Principles:

- a) The Town Council will operate within the legal framework set by relevant legislation and regulations

- b) Decision-making will be conducted in accordance with democratic principles, considering the best interests of the community.
- c) Delegated authority will be exercised responsibly, with due consideration for public scrutiny and accountability.

2. Roles and Responsibilities

2.1 Council

The following matters are reserved to the Council for decision, notwithstanding that the appropriate committee(s) may make recommendations for the Council's consideration.

- (1) Approving the Town Council's budget and setting the Precept;
- (2) Agreeing the Town Council's Statement of Accounts and Annual Governance Statement;
- (3) Authorising borrowing;
- (4) Declaring eligibility for the General Power of Competence;
- (5) Appointing the Mayor and Deputy Mayor in May each year;
- (6) Execution and sealing of documents;
- (7) Establishing committees and determining their terms of reference and membership;
- (8) Making, amending or revoking Standing Orders, Financial Regulations, Committee Terms of Reference or this Scheme of Delegation;
- (9) Making, amending or revoking, re-enacting or adopting by-laws;
- (10) Making of orders under any statutory powers;
- (11) Matters of principle or policy;
- (12) Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings);
- (13) Any proposed new undertakings;
- (14) Prosecution or defence in a court of law;
- (15) Confirming the appointment of a new Town Clerk, further to a recommendation from the appointed recruitment panel when a vacancy arises;
- (16) Dismissal of the Town Clerk on the recommendation of the Discipline & Grievance Committee;
- (17) Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to a committee.
- (18) All other matters which must, by law, be determined by resolution of Full Council.

2.2 Proper Officer

The Town Clerk is employed by the Council (under section 112 (1) of the Local Government Act 1972) and is required to be independent, objective and professional at all times. The Town Clerk serves the Council as a Corporate Body and is answerable to that body, rather than to any individual councillor or group of councillors. Standing Order 3 applies.

The Town Clerk/Chief Executive Officer shall be the Proper Officer of the Council and as such is responsible for all statutory duties imposed, specifically:

- (1) To receive declarations of acceptance of office.
- (2) To receive and record notices disclosing personal and prejudicial interests.
- (3) To receive and retain plans and documents.
- (4) To sign notices or other documents on behalf of the Council.
- (5) To receive copies of by-laws made by the unitary authority.
- (6) To certify copies of by-laws made by the Council.
- (7) To sign summonses to attend meetings of the Council.

In addition, the Town Clerk/Chief Executive Officer has the delegated authority to undertake the following matters on behalf of the Council:

- (1) The day-to-day administration of services, together with routine inspection and control of assets and procedures.
- (2) Day to day supervision and control of all staff employed by the Council, including recruitment.
- (3) Authorisation of routine expenditure within the agreed budget.
- (4) Emergency expenditure up to £5,000 outside the agreed budget.

Delegated actions of the Town Clerk/Chief Executive Officer in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.

The Town Clerk is the Council's Proper Officer and in their absence their duties will be fulfilled by the Deputy Town Clerk.

2.3 Responsible Financial Officer

The Responsible Financial Officer to the Council, appointed in accordance with Section 151 of the Local Government Act 1972, shall be responsible for the Town Council's accounting procedures in compliance with the Accounts and Audit Regulations in force at any given time, and is responsible for all statutory duties imposed.

2.4 Mayor/Chair of the Council

No matter may be delegated to the Mayor except for the following:

- a) Convening an extraordinary meeting of the Full Council.
- b) Receiving the resignation of any member.
- c) When attending a Full Council meeting, the powers granted to a chair of a meeting.
- d) Attending a civic function as a representative of the Council, it being understood that the contents of any speeches must not purport to being the view of the Council unless previously agreed.

2.5 Chair of a meeting

When a councillor acts in the role of the chair of a meeting, they shall have the power to:

- a) Convene an extraordinary meeting of the relevant Council or committee.
- b) Direct the order of speaking.
- c) Direct any response to a question posed during public participation.
- d) Suspend or close a meeting, where a resolution has been made to that effect, or where the meeting is subject to disorderly conduct, in accordance with the Council's Standing Orders
- e) In the case of an equality of votes on any matter, exercise a casting vote.
- f) Determine the rules of debate, in accordance with the Council's Standing Orders.
- g) Determine a point of order.
- h) Put a motion to the vote.
- i) Sign the minutes of a previous meeting, once confirmed by a resolution as an accurate record.
- j) Move that a person be silenced or excluded from the meeting for disorderly conduct.

2.6 Councillors

No matter may be delegated to an individual councillor, except that:

- a) Two councillors may convene an extraordinary meeting of the Council, should the Mayor refuse to do so.
- b) Matters may be delegated to an officer to determine *in consultation* with one or more councillors, it being understood that the officer shall not overrule any reasonable request of that member(s), but that the officer's decision shall be final.

No councillor may issue an instruction to an officer but may highlight any issue that they believe requires the attention of the Council.

Any issue regarding staff performance may only be raised with the Town Clerk or through the appropriate committee.

3. Committees

Matters delegated to the council's standing committees, sub-committees and task & finish groups are specified under each Terms of Reference; but for avoidance of doubt are summarised below:

3.1 The **Policy, Governance & Finance Committee**, being the Council's Executive Committee, shall consider and determine the following matters:

- Matters of Council administration and policy.
- Consideration of the Council's budget and recommendation of consolidated finance requirements.
- Budgetary control.
- Matters relating to Council owned property and property for which the Council is a tenant.
- Matters properly referred from other Committees within the requirements of Standing Orders.
- Annual, Discretionary, Subsidised Letting and any other Financial Grants.
- Staff Establishment – to make recommendations and to receive reports by the Standing Personnel Sub-Committee.
- To approve the Council's Strategic Plan and any other Council strategies and arrangements for their publication.
- To consider Service Reviews for all services and to report recommendations to Council at the conclusion of the matters reviewed.
- To deal with any other relevant issue arising from the implementation of any new legislation.
- To review and manage the Council's contracts

3.2 The **Parks & Recreation Committee** shall consider and determine the following matters – operating within budget and Council Policy:

- The operation of all recreation grounds, parks and public open spaces and to initiate and oversee all matters of control properly associated with this recreation function.
- To oversee all sports activities upon any recreation ground or other recreational open space and building erected for such purposes thereon.

3.3 The **Halls, Cemeteries & Allotments Committee** shall consider and determine the following matters – operating within budget and Council Policy:

- The operation of the Council's public halls – currently the Corn Exchange and Burwell Hall (and any others that are leased to third parties or which may come into the Council's custodianship in the future).

- The operation of the cemeteries, burial responsibilities and associated duties, consequential to Statutory or Council requirements, together with the War Memorials.
- To carry out the Council's obligations with regard to the Closed Churchyards of St Mary's and Holy Trinity.
- Overseeing the management of the Council's allotments provision – currently run by the Witney Allotment Association.

3.4 The **Stronger Communities Committee** shall consider and determine the following

matters – operating within budget and Council Policy:

- To consider all matters not within the specific terms of reference of any other Committee such as; town centre street furniture (seats, litter bins), bus shelters/public transport, CCTV, noticeboards and Christmas Lights displays.
- To organise special events such as Freedom Parades, Remembrance Sunday and other Civic events within the programme and the budget agreed by the Council.
- To work in collaboration with other partnerships on town wide events such as Witney Music Festival, the Christmas Lights Switch-on and others that may arise from time to time.
- To help facilitate entertainment and community events in such parks, recreation grounds or elsewhere in the Council's management at its discretion.
- To oversee the Council's communication and publications – such as the website, social media and newsletters.
- To oversee the work of the Youth Council.
- To recognise the value and benefit of voluntary groups and endeavours within our community, including provision of youth services, supporting and helping to facilitate where possible.

3.5 The **Planning & Development Committee** shall consider and determine the following matters – in accordance with Council Policy, the West Oxfordshire Local Plan, the National Planning Policy Framework and any other legislation which is appropriate:

- To comment on planning applications received from the local planning authority within statutory timescales.
- Licensing matters.

- To comment on behalf of the Council on Local Plans, Structure Plans, Mineral Plans, Waste Plans, Regional Plans and any other Plans or Studies as considered appropriate.
- To deal with matters relating to street and footway lighting; traffic control and traffic notices, including on and off-street parking; street naming and road closures; footpaths and subways.
- Any other matter which may be delegated to it by the Council from time to time
- To receive the minutes of the Witney Traffic Advisory Committee.

3.6 The **Climate & Biodiversity Committee** shall consider and determine the following

matters – operating within budget and Council Policy:

- To oversee the management of the Lake & Country Park, working with other organisations to ensure proper use – such as a grazier, the angling clubs and others.
- To deal with all other matters relating to the environment and biodiversity, including horticulture (trees, bulbs, wildflowers, shrubs, floral displays etc).
- To oversee the reduction in the Council's Carbon footprint in response to the Climate Emergency declared in 2019 to help achieve neutrality by 2028.
- To lobby other Authorities and Organisations to improve the quality of life by residents in respect of water and air quality.

A Committee may refer matters on which it has delegated authority to the Council for a final decision if it so wishes.

4. **Sub Committees**

4.1 The **Personnel Sub-Committee** shall be delegated to make decisions on behalf of the Council in the following matters: relating to the appointment, conduct, promotion, dismissal, salary and conditions of service of all persons employed by the Council.

Policy on the following matters is reserved to the Policy, Governance & Finance Committee for decision but the sub-committee may also make policy recommendations relating to:

- Salaries;
- Conditions of service;
- Staff levels;
- Consideration of staffing reviews.

4.2 The **Discipline & Grievance Panel** is delegated to make decisions on the behalf of the Council in the following matters:

- Hearings for grievance, disciplinary and capability matters for the Town Clerk/C.E.O and senior managers in accordance with the Council's grievance and disciplinary procedure.
- Dealing with any grievance, disciplinary and capability matters for the Town Clerk/C.E.O and senior managers to a final conclusion, only reporting to Council when the time for any appeal has passed.

4.3 An **Appeals Panel** will be formed as and when required ensuring impartiality and fairness for the employee at all times, to deal with and conclude matters relating to:

- Appeals against decisions made by or on behalf of the Town Clerk/C.E.O in grievance, disciplinary and capability matters
- Dealing with appeals to a final conclusion, only reporting to Council the actions it has taken at the end of the process

4.4 Other standing sub-committees may be formed by resolution of the Council at any time under Standing Order 30 and delegated powers may be decided upon at the time the sub-committee is formed by means of a minute detailing the terms of reference.

5. **Working Groups/Parties**

5.1 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.

6. **Urgent Matters**

In line with SO 4:

- (1) In the event of any matter arising which requires an urgent decision, the Town Clerk/C.E.O shall consult the Leader of the Council and Chair of the Policy, Governance & Finance Committee(or Vice Chair if they are one in the same), and with the concurrence of those member(s) shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.

- (2) Before exercising the delegated powers granted by paragraph 7 (1) above, the Town Clerk/C.E.O and those members consulted shall consider whether the matter is of sufficient interest to justify the summoning of a special meeting of the appropriate committee and where a meeting is so summoned the committee concerned shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
- (3) Before exercising the delegated powers granted by paragraph 7 (1) above, the committee concerned shall consider whether the matter is of sufficient importance to justify recommending to the Mayor that a special meeting of the Council should be called in accordance with Standing Order 7.
- (4) Any action is taken under this Standing Order must recorded in writing and made available for inspection by any member of the Council. Full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next available meetings of the Committee concerned and of the Council.

7. Delegation - Limitations

Committees and sub-committees shall, at all times, act in accordance with the Council's 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.