



## Chichester City Council

### **SCHEME OF DELEGATION**

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer, Standing Committees and Sub-Committees of the Council to act with delegated authority in the specific circumstances detailed.

#### **1. Responsible Financial Officer - Duties and Powers**

- 1.1 The Deputy Clerk shall be the Responsible Financial Officer to the Council and shall be responsible for the Councils accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

#### **2. Proper Officer - Duties and Powers**

- 2.1 The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:
- a. Receive declarations of acceptance of office;
  - b. Receive and record notices from Councillors disclosing interests;
  - c. Receive and retain plans and documents;
  - d. Sign Notices or other documents on behalf of the Council;
  - e. Receive copies of By-laws made by the Unitary Council;
  - f. Certify copies of By-laws made by the Council;
  - g. Sign and issue summonses to attend meetings of the Council.
  - h. 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)
  - i. Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office
- 2.2 In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:
- a. The day-to-day administration of services, together with routine inspection and control.
  - b. Day to day supervision and control of all staff employed by the Council.
  - c. Authorisation of routine expenditure within the agreed budget.
  - d. Emergency expenditure up to £25,000 outside of the agreed budget in consultation with the RFO the chair of council or vice chair of council. All expenditure to reported to the next appropriate meeting.
- 2.3 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.
- 2.4 Extend the delegation of Council and Committee decisions to the Town Clerk in consultation with the Chair and Vice Chair of the Council and relevant Committees during any period of restricted activity declared by the Government in respect of a civil or health emergency. Such delegation to enable the Council to fulfil its responsibilities to its residents.

### 3. Council

- 3.1 The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration:
- a. Setting the Precept;
  - b. Borrowing money;
  - c. Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
  - d. Making, amending or revoking By-laws;
  - e. Making of Orders under any Statutory powers;
  - f. Matters of principle or policy.
  - g. Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings);
  - h. Any proposed new undertakings;
  - i. Prosecution or defence in a court of law;
  - j. Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee;
  - k. Approving the annual return;
  - l. Confirming eligibility to exercise the General Power of Competence

### 4. Standing Committees

- 4.1 The **Finance Committee** shall be delegated to make decisions on behalf of the Council in the following matters:
- a. All financial matters including approval of all expenditure items within the existing annual budget except where the authority has been specifically delegated to a Standing Committee or Sub-Committee.
  - b. Monitoring of annual budgeted expenditure
  - c. Oversight and monitoring of the performance of Council financial investments and reserves.
  - d. Oversight and monitoring of Council governance procedures.
  - e. All matters relating to buildings, structures and land in the ownership or control of the City Council, including agreement of hire charges for the Council House, agreement of Allotment rents, and recommendations on the Market House.
  - f. All matters relating to the other property of the City Council. Final authority for the disposal or loan of such property to remain with full Council.
  - g. All matters relating to staff, including remuneration packages, terms and conditions of employment and the observance of statutory requirements and NJC agreements.
  - h. To appoint and dissolve such Sub-Committees and Working Groups as may be necessary to fulfil the above requirements. The following Sub-Committees report to this Committee:
    - i. Personnel Sub-Committee
    - ii. Property Sub-Committee
    - iii. Business Plan Sub-Committee

- 4.1.1 The Town Clerk shall be authorised to take the necessary action to implement approved decisions of the Committee.
- 4.1.2 The following matters are reserved to the Council for decision but the Committee may make recommendations:
  - a. Recommendation of the Council's budget for each financial year.
  - b. Any funding required outside of the set budget in any given financial year
  - c. Adoption of new projects not already included in the adopted Business Plan that have a financial or resource implication for the City Council.
  - d. Any other matter which may be delegated to it by the Council from time to time.
- 4.1.3 The Finance Committee has appointed the following Sub-Committees with delegated powers to fulfil its' requirements:
  - 4.1.3.1 The **Personnel Sub-Committee** shall be delegated to make decisions on behalf of the Finance Committee in the following matters:
    - a. The Sub-Committee is responsible for the employment and welfare of all employees.
    - b. To agree and review annually contracts of employment, job descriptions, person specifications for staff and to review the Town Clerk's performance.
    - c. To appoint members to act as a disciplinary panel as set out in the Green Book and as an appeals panel in the case of any appeal against disciplinary action.
    - d. To appoint members to hear any formal grievance.
    - e. To review health and safety at work for all Council employees.
    - f. To review all Council policies that relate to staff employment on an annual basis.
    - g. To ensure the Council complies with all legislative requirements relating to the employment of staff.
    - h. To appoint, from its membership, a recruitment panel when necessary and recommend appointments to Council.
    - i. To appoint and dissolve such Working Groups as may be necessary to undertake the background work to fulfil the above requirements.
  - 4.1.3.1.1 The Town Clerk shall be authorised to take the necessary action to implement approved decisions of the Sub-Committee.
  - 4.1.3.1.2 The Personnel Sub Committee shall be delegated to make recommendations to the Finance Committee in the following matters:
    - a. To review staffing structures and levels and make recommendations to the Finance Committee.
    - b. To review staff salaries and terms and conditions and make recommendations to the Finance Committee.
  - 4.1.3.1.3 It is vital that the Personnel Sub-Committee keeps 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.
  - 4.1.3.1.4 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 Staffing committee must undertake training in these matters.

- 4.1.3 .2 The **Property Sub-Committee** shall be delegated to make decisions on behalf of the Finance Committee in the following matters:
- a. All matters relating to the ongoing maintenance and care of buildings, structures and land in the ownership or control of the City Council.
  - b. Approval of expenditure items up to £25,000 within the existing budget for ongoing maintenance and care of buildings, structures and land in the ownership or control of the City Council.
  - c. To review annually all health and safety matters, risk assessments and inspections for buildings, structures and land in the ownership or control of the City Council.
  - d. To ensure the Council complies with all legislative requirements relating to public access to and use of buildings, structures and land in the ownership or control of the City Council.
  - e. Project monitoring of any works undertaken on the buildings, structures and land in the ownership or control of the City Council.
  - f. To appoint and dissolve such Working Groups as may be necessary to undertake the background work to fulfil the above requirements.
- 4.1.3.2.1 The Town Clerk shall be authorised to take the necessary action to implement approved decisions of the Sub-Committee.
- 4.1.3.2.2 The Property Sub-Committee shall be delegated to make recommendations to the Finance Committee in the following matters:
- a. Approval of expenditure items over £25,000 within the existing budget for ongoing maintenance and care of buildings, structures and land in the ownership or control of the City Council.
  - b. New projects and proposals to alter, improve or develop buildings, structures and land in the ownership of the City Council.
  - c. Annual review of hire charges for the Council House, agreement of Allotment rents, and recommendations on the Market House.
  - d. Matters relating to the other physical assets and property of the City Council. Final authority for the disposal or loan of such property to remain vested with full Council.
- 4.1.3 .3 The **Business Plan Sub-Committee** shall be delegated to make decisions on behalf of the Finance Committee in the following matters:
- a. Preparation of reports to Council on Business Plan progress
  - b. Regular review of the current Business Plan
  - c. Update and development of future Business Plans
  - d. To appoint and dissolve such Working Groups as may be necessary to undertake the background work to fulfil the above requirements.
- 4.1.3.3.1 The Town Clerk shall be authorised to take the necessary action to implement approved decisions of the Sub-Committee.

- 4.1.3.3.2 The Business Plan Sub-Committee shall be delegated to make recommendations to the Finance Committee in the following matters:
        - a. Adoption of new projects not already included in the adopted Business Plan that have a financial or other resource implication for the City Council.
- 4.2 The **Planning and Conservation Committee** shall be delegated to make decisions on behalf of the Council in the following matters:
  - a. To comment on planning applications received from the Planning Authority
  - b. Street Naming
  - c. Licensing Matters
  - d. 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.
  - e. Neighbourhood planning
  - f. Traffic and transport matters.
  - g. Nature and biodiversity net gain improvements and environmental monitoring.
  - h. Meeting net zero targets and mitigating climate change impacts.
  - i. To appoint and dissolve such Sub-Committees and Working Groups as may be necessary to fulfil the above requirements.
- 4.2.1 The Town Clerk shall be authorised to take the necessary action to implement approved decisions of the Committee.
  - 4.2.2 The following matters are reserved to the Council for decision, but the Committee may make recommendations:
    - a. Recommendation of the Committee's budget to the Finance Committee each financial year.
- 4.3 The Community Affairs Committee shall be delegated to make decisions on behalf of the Council in the following matters:
  - a. Emergency planning.
  - b. Local rights and traditions and civic and ceremonial matters.
  - c. Community events.
  - d. Approval of expenditure items within the existing annual budget for the delivery of events and community services and award of grant allocations.
  - e. Issues related to amenities and facilities provided for the City by other authorities and organisations.
  - f. Recipients of Annual Civic Awards.
  - g. All matters concerning tourism development and promotion within the City and adjacent to it or likely to have an impact upon the City.
  - h. Allocation and monitoring of grants from the annual Grant Budget.
  - i. Annual review of effectiveness of all services delivered by the Council to the local community.
  - j. Annual review of all relevant health and safety matters, risk assessments and safeguarding policies and ensuring legislative compliance for all services delivered by the Council to the local community.
  - k. To appoint such Sub-Committees and Working Groups as may be necessary to fulfil the above requirements.

- I. Monitoring of new project and initiatives put forward by this committee.
- 4.3.1 The Town Clerk shall be authorised to take the necessary action to implement approved decisions of the Committee.
- 4.3.2 The Community Affairs Committee shall be delegated to make recommendations to the Council in the following matters:
  - a. Representation on outside bodies
  - b. Development of new services for the local community
  - c. Development of new facilities for the local community
  - d. Grant funding award criteria
  - e. Recommendation of the Committee's budget to the Finance Committee each financial year
- 4.4 There are no other Standing committees, but they may be formed by resolution of the Council at any time and delegated powers may be decided upon at the time the committee is formed by means of a Minute detailing the Terms of Reference.

## **5. Working Groups and Parties**

- 5.1 Working Groups/Parties may be formed by resolution of the Council, Committee or Sub-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, Committee or Sub-Committee that formed it.

## **6. Delegation to the City Council Planning Adviser**

- 6.1 In certain circumstances The City Council Planning Adviser is delegated to make the decisions on behalf of the Planning and Conservation Committee:
  - a. As the City Council does not have the resource to comment on every application, the applications which have the least potential for impact upon matters of public interest are assessed and screened by the planning adviser upon receipt of the weekly list. Those screened out include applications relating to trees, minor householder applications, and legal determinations as to whether planning permission is required or whether a development is lawful.
  - b. Applications with greater potential for impact on the public realm, such as large-scale householder applications, changes of use, or advertisements not conforming to the Chichester shop front design guidance, are taken to the Planning and Conservation Committee.
  - c. Major applications (proposing 10 or more dwellings or development which is particularly controversial) are heard at Planning and Conservation Committee. This Committee also covers any policy issues or consultations from relevant bodies, enforcement and appeals.
  - d. Minor amendments to applications are responded to by the Planning Adviser, in consultation with the Chairman, or in accordance with the comments of the planning committee which considered the original application.

## **7. Delegation - limitations**

- 7.1 Committees, Sub-Committees and Working Groups 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.

**Adopted:** 28 February 2024

**Minute ref.:** 88 (Meeting of Council – 28 February 2024)