



## **Scheme of Delegation**

### **1 Council Functions**

The following matters are to be dealt with by the full Council:

- 1.1 Appointment of the Town Clerk/Responsible Financial Officer.
- 1.2 Appointment of employees (other than 1.1 above) following a recommendation from the Town Clerk.
- 1.3 Approval of Budget and setting the Precept.
- 1.4 Approval of the Council's Annual Accounts and the Annual Return
- 1.5 Approval of the Audit of Accounts.
- 1.6 Authorisation of borrowing.
- 1.7 Adopting or changing all policies including Standing Orders, Financial Regulations and the Scheme of Delegation.
- 1.8 Making of Orders under any statutory powers.
- 1.9 Making, amending or revoking By-laws.
- 1.10 Matters of principle or policy.
- 1.11 Appointment of Standing Committees.
- 1.12 All personnel matters not delegated to the Town Clerk.
- 1.13 Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings).
- 1.14 Any proposed new undertakings.
- 1.15 Responses to legislative and other allied consultations.
- 1.16 Prosecution or defence in a court of law other than an Employment Tribunal.
- 1.17 Nomination or appointment of representatives of the Council at any Inquiry on matters affecting the Town, excluding those matters specific to Committees.
- 1.18 All other matters which must, by law, be reserved to the full Council.

### **2 Delegation to Committees**

The following matters are delegated to the Council's Committees to make decisions on behalf of the Council. Committees are delegated plenary decision making powers in respect of matters delegated. They must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

The Council may at any time, following resolution, revoke any delegated authority.

Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council. Similarly where a Committee has no delegated power to make a decision it makes a recommendation to Council.

Members will be advised by the Town Clerk whether or not a particular item under discussion is within the committee's delegated powers. If it is within delegated powers, the minutes will record the decision as RESOLVED. If not, then the minutes will record the decision as RECOMMENDED and it will be brought to the attention of the Council for decision when seeking approval and adoption of the committee minutes.

## **2.1 All Committees**

- 2.1.1 Creation and Appointment to Sub-Committees.
- 2.1.2 Approval of its Minutes as true and correct records
- 2.1.3 To submit proposals in respect of funding to full Council not later than October each year.
- 2.1.4 Any other matters which may be delegated to it by the Council from time to time.
- 2.1.5 To report all matters of recommendation to full Council.

## **2.2 Staffing Committee**

- 2.2.1 Membership of four Councillors.
- 2.2.2 A quorum will be six members.
- 2.2.3 Meeting agendas will indicate the exclusion of press and public and all members must preserve confidentiality of all individual staffing matters pertaining to the business of the committee.
- 2.2.4 Creation and Appointment to Sub-Committees.
- 2.2.5 Approval of its Minutes as true and correct records
- 2.2.6 To administer any discipline against, or formal grievance case brought by the Town Clerk in accordance with the Councils' adopted policies and Staff Handbook.
- 2.2.7 To act as a disciplinary panel as set out in the Staff Handbook and delegated function to the Town Clerk.
- 2.2.8 To hear any appeal by staff against the outcome of a grievance investigation undertaken by the Town Clerk.
- 2.2.9 To carry out an annual appraisal of the Town Clerk.
- 2.2.10 To review staff salaries and terms of conditions and make recommendations to Council.
- 2.2.11 To report all matters of recommendation to full Council.

## **3 Delegation to Officers**

The following matters are delegated to the Council's Officers to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

The Council may at any time, following resolution, revoke any delegated authority.

Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to Council or a Committee. Similarly where Officers have no delegated power to make a decision they report the matter to the Committee or the Council for a decision.

### **3.1 Town Clerk and Responsible Financial Officer**

The Town Clerk shall be the Responsible Financial Officer of the Council as defined in law, responsible for the Town Council's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time.

The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

- 3.1.1 Issue all statutory notifications
- 3.1.2 Receive declarations of acceptance of office
- 3.1.3 Receive and record notices disclosing pecuniary interests.
- 3.1.4 Receive and retain documents and plans.
- 3.1.5 Hold the Council's Seal and apply it to documents as approved.
- 3.1.6 Sign notices or other documents on behalf of the Council.
- 3.1.7 Receive copies of By-laws made by principal authority.
- 3.1.8 Certify copies of bylaws made by the Council.
- 3.1.9 Prepare and sign summons to attend meetings.
- 3.1.10 Authorisation to call any extra meetings of the Council or any Committees as necessary, having consulted with the Chairman of the Council and/or the Chairman of the appropriate Committee.
- 3.1.11 Ensure compliance with Standing Orders and Financial Regulations.

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

- 3.1.12 Ensure that all activities carried out within the Council's property and land have due regard to Health and Safety, Disability Discrimination Act and comply with all legislation in terms of public safety.
- 3.1.13 Manage all Town Council staff, either directly or indirectly.
- 3.1.14 Manage the provision of Council services, buildings, land and resources.
- 3.1.15 Day to day administration of services, together with routine inspection and control.
- 3.1.16 Authorisation to respond immediately to any correspondence, requiring or requesting information or relating to any previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its Committees.
- 3.1.17 Tenancy management
- 3.1.18 Authorisation of expenditure within the agreed budget.
- 3.1.19 Incur expenditure in an emergency up to £2,500 whether budgeted or not.
- 3.1.20 Act on behalf of the Council in an urgent situation and report back to the Council as soon as practical.
- 3.1.21 Deal with dispensation requests from Members under the Code of Conduct.
- 3.1.22 Deal with matters specifically delegated by Council or Committees.

- 3.1.23 Take all decisions relating to the training of staff.
- 3.1.24 Appoint all employees in accordance with the Councils staff structure.
- 3.1.25 Authorise minor adjustments to contracts of employment.
- 3.1.26 Deal with all disciplinary hearings in accordance with the Council's Disciplinary Policy.
- 3.1.27 Responsible for the overall management of all budgets in accordance with Council Policies.
- 3.1.28 Arrange insurance.
- 3.1.29 Management of Council salaries in accordance with contracts of employment.
- 3.1.30 Determine accounting policies, records and control systems.
- 3.1.31 Project development of land, buildings and other resources, for consideration by Full Council.
- 3.1.32 Management of maintenance contracts.
- 3.1.33 Developing income generating activities.
- 3.1.34 Authorised to issue press releases on any Council activity exercised in accordance with Council's Press and Media Policy.

Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and in line with The Openness of Local Government Bodies Regulations 2014.

### **3.2 Finance / Administrative Officer**

- 3.2.1 Proper administration of the Council's financial affairs.
- 3.2.2 Matters specifically delegated by Council or Committee.

### **3.3 Committee/Administrative Officer**

- 3.3.1 Day to day management of the Council's community buildings.
- 3.3.2 Day to day management of all employees in caretaker section.
- 3.3.3 Matters specifically delegated by Council or Committees.

### **3.4 Head Groundsperson**

- 3.4.1 Day to day management of all employees in grounds maintenance section.
- 3.4.2 Matters specifically delegated by Council or Committees.

## **4 Sub-Committees**

- 4.1 A Standing Committee may if it believes that it would be appropriate, appoint a Sub-Committee. Any powers to be delegated to such a Sub-Committee may be detailed at the time the Sub-Committee is formed by means of a Minute detailing the Terms of Reference but such delegated powers must be approved by the Council.

## **5 Working Groups**

- 5.1 Working Groups may be formed by resolution of the Council or a Committee at any time. The work of such a Working Group will be decided upon at the time it is formed by means of a minute detailing the Terms of Reference.

Each Working Group will report back with recommendations to the Council or the Committee that formed it. A Working Group/Advisory Committee does not have decision-making powers. Non-Council members can be appointed to it. Its meetings are not open to the public.

## **6 Delegation – Limitations**

- 6.1** 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 with any directions given by the Council from time to time.

## **7 Attendance of Members at Committee meetings**

- 7.1** All Councillors have an absolute right to attend any committee meeting. The Chairman of the committee has at his/her absolute discretion the right to allow a non-member to speak. A non-member would be required to notify the Chairman in advance if they wished to speak on an agenda item. A non-member could make one statement per agenda item if invited by the Chairman not to exceed 3 minutes. Any further participation in the meeting of a non-member is at the invitation of the Chairman.
- 7.2** The Council believes in open and transparent governance wherever possible. However, a Committee has the right to exclude the press and public during any part of the meeting due to the special or confidential nature of the business to be transacted. Councillors who are non-members of a committee that has passed a resolution excluding press and public do not have an absolute right to remain in the meeting. If in the opinion of the Committee, the item is of a particularly sensitive or confidential nature, they will be asked to leave. In such circumstances member councillors will only be allowed to remain if they can demonstrate a 'need to know' as defined in the cases of ***R v City of Birmingham District Council ex parte O [1983] 1 AC 578*** and ***R v Hackney LBC ex parte Gamper [1985] 1 WLR 1229***. The decision of the Committee will be final.

## **8 Call-in policy**

- 8.1** A member may request of the Chairman to call-in a decision taken by a committee under this scheme in accordance with the procedure set out in Standing Order 9.