

Scheme of Delegation, Long Stratton Town Council

Introduction

Long Stratton Town Council are dedicated to working efficiently and effectively, optimising Officers, Councillors and Volunteers time to achieve maximum output. The Council's role is to make all strategic¹ decisions relating to the duties of the Council, this can be delegated to Committees and Officers in accordance with Standing Orders and Financial Regulations subject to the duties that are required to be made by Full Council as described by Local Government Act 1972.

The Town Clerk's role as Proper Officer is to carry out operational² duties of the Council.

This document sets out clearly the roles, responsibilities and authority of all arms of the Council.

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 Staffing Committee.
- 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/ Staffing Committee.
- 1.13 Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings).
- 1.14 Responses to legislative and other allied consultations.
- 1.15 Prosecution or defence in a court of law other than an Employment Tribunal.
- 1.16 Nomination or appointment of representatives of the Council at any Inquiry on matters affecting the Town, excluding those matters specific to Committees.
- 1.17 All other matters which must, by law, be reserved to the full Council.
- 1.18 All strategic decisions not delegated to Committee or Officer.

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, Financial Regulations, Terms of Reference and any approved policy framework and budget.

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

¹ relating to the identification of long-term or overall aims and interests and the means of achieving them.

² in or ready for use.

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/APPROVED. If not, then the minutes will record the decision as RECOMMENDED and it will be brought to the attention of the Council to make the decision.

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 Finance & Policy

- 2.2.1 Membership of a minimum of four Councillors.
- 2.2.2 A quorum will be three 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. (Land, contracts and employment)
- 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 review Budget Control Report for recommendation to full Council
- 2.2.7 To review all bank reconciliations for recommendation to full Council.
- 2.2.8 To review all contractual agreements entered by the Town Clerk pertaining to ensuring the Council office is operational subject to the Council's policy documents
- 2.2.9 To negotiate and enter into contractual agreements to support implementation of the Council's strategic decisions subject to the Council's policy documents.
- 2.2.10 To report all matters of recommendation to full Council.

2.3 Staffing committee

- 2.3.1 Membership of a minimum of four Councillors.
- 2.3.2 A quorum will be three members.
- 2.3.3 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. (Land, contracts and employment)
- 2.3.4 Creation and Appointment to Sub-Committees.
- 2.3.5 Approval of its Minutes as true and correct records
- 2.3.6 To administer any discipline against, or formal grievance case brought by the Town Clerk in accordance with the Councils' adopted policies and Staff Handbook.
- 2.3.7 To act as a disciplinary panel as set out in the Staff Handbook and delegated function to the Town Clerk.
- 2.3.8 To hear any appeal by staff against the outcome of a grievance investigation undertaken by the Town Clerk.
- 2.3.9 To carry out an annual appraisal of the Town Clerk and other officers with the Clerk.
- 2.3.10 To review staff salaries and terms of conditions and make recommendations to Council.

- 2.3.11 Deal with all disciplinary hearings in accordance with the Council's Disciplinary Policy alongside the Town Clerk, unless the Town Clerk is the employee concerned.
- 2.3.12 Appoint all employees in accordance with the Council's staff structure.

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:

General

- 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.
- 3.1.6 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 Agendas for all meetings belong to the Proper Officer and he/she will prepare items for Council consideration 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 or in the case of an emergency.
- 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 Manage all Town Council staff, either directly or indirectly.
- 3.1.13 Act on behalf of the Council in an urgent situation and report back to the Council as soon as practical.
- 3.1.14 Deal with dispensation requests from Members under the Code of Conduct.
- 3.1.15 Deal with matters specifically delegated by Council or Committees.
- 3.1.16 Take all decisions relating to the training of staff within budget.
- 3.1.17 Authorise minor adjustments to contracts of employment, terms and conditions can only be amended by full council following recommendation from staffing committee.
- 3.1.18 Project development of land, buildings and other resources, for consideration by Full Council.
- 3.1.19 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.

Office management

- 3.1.20 Authorise lease agreements for equipment to allow essential maintenance
- 3.1.21 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.
- 3.1.22 Manage the provision of Council services, buildings, land and resources.
- 3.1.23 Day to day administration of services, together with routine inspection and control.
- 3.1.24 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.
- 3.1.25 Execute all operational decisions relating to office management, contracts and leases in accordance with Council policies including standing orders and financial regulations.
- 3.1.26 Determine accounting policies, records and control systems.
- 3.1.27 Management of maintenance contracts.

3.2 Finance / Administrative Officer/RFO

- 3.2.1 Proper administration of the Council's financial affairs.
- 3.2.2 Matters specifically delegated by Council or Committee.
- 3.2.3 Authorisation of expenditure within the agreed budget.
- 3.2.4 Incur expenditure in an emergency up to £1,500 whether budgeted or not.
- 3.2.5 Responsible for the overall management of all budgets in accordance with Council Policies.
- 3.2.6 Arrange insurance.
- 3.2.7 Management of Council salaries in accordance with contracts of employment.
- 3.2.8 Developing income generating activities.
- 3.2.9 Pay all subscriptions to organisations to which the Council belongs.
- 3.2.10 Approve overtime where required, to be reported to full council at the next available meeting.

3.3 Administrative Officer

- 3.3.1 Day to day management of the Council's website
- 3.3.2 Day to day management of all the neighbourhood plan and planning applications.
- 3.3.3 Day to day management of all Pavilion bookings.
- 3.3.4 Matters specifically delegated by the Town Clerk, Council or Committees.

3.4 Direct Services Officer

- 3.4.1 Day to day management of all employees in grounds maintenance section.
- 3.4.2 Matters specifically delegated by Council or Committees.
- 3.4.3 All maintenance repair decisions subject to budget.

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 of a Committee³ to speak. A non-member could make one statement per agenda item if invited by the Chairman not to exceed 3 minutes and can have voting rights if granted by the Committee. 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 (land, contracts and HR matters). 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 non-members of the Committee regardless of whether they are Council members; 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/ Clerk to call-in a decision taken by a committee/ Council meeting under this scheme in accordance with the procedure set out in Standing Order 11.

Approved 10.07.2023

³ A Council member is a non-member if not formally approved by the Council to be a committee member. If the Committee is non-quorate, in accordance with Standing Orders, the Clerk can invite a non-member of a Committee to join a Committee meeting with voting rights, this must be captured in the minutes of the relevant Committee meeting.