

ALCESTER TOWN COUNCIL

SCHEME OF DELEGATION

FEBRUARY 2021

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (the Town Clerk) and Standing Committees to act with delegated authority in the specific circumstances detailed.

Proper Officer and Responsible Financial Officer

Duties and Powers

1. Responsible Financial Officer

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

2. Proper Officer

- 2.1. 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 disclosing interests
 - Receive and retain plans and documents
 - Sign Notices or other documents on behalf of the Council
 - Receive copies of bylaws made by a principal local authority
 - Certify copies of bylaws made by the Council
 - Draw up agendas usually after consultation with the relevant Committee Chair
 - Sign summons to attend meetings of the Council.
- 2.2. In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:
- Day to day administration of services, together with routine inspection and

control

- Day to day supervision and control of all staff employed by the Council
 - Authorisation to call any extra meetings of the Council or any Committee as necessary, having consulted with the Mayor of the Council, and/or the Chairman of the appropriate Committee
 - Authorisation to respond immediately to any correspondence, requiring or requesting information or relating to previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its Committees
 - Authorisation to deal with dispensation requests from members
 - Authorisation of routine recurring expenditure within the agreed budget
 - Emergency expenditure up to £5,000 outside of an agreed budget
 - Authorisation of expenditure on works up to a maximum of £1000
 - Authorisation to respond to planning consultations from Stratford on Avon DC where it is not possible to hold a Planning Committee meeting before the required deadline for response. The Town Clerk (acting via the Clerk to the Planning Committee) shall consult the Planning Committee members by email on the application and submit a response supported by a majority of members.
 - Authorisation to issue any press releases on behalf of the Council
 - Editorial control of the Council's newsletter, website and social media
 - Day-to day management of the Eric Payne Community Centre
- 2.3. Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and in line with directions given by the Council from time to time.
- 2.4. The Town Clerk may nominate another named Officer to carry out any powers and duties which have been delegated to the Town Clerk.

Council and its Committees

Duties and Powers

3. Council

- 3.1. The following are reserved matters for the Council to decide, notwithstanding that

the appropriate Committee(s) may make recommendations thereon for the Council's consideration.

- Appointment of the Town Clerk / RFO following consideration being given to a recommendation from the Staffing Committee
- Approval of the Budget and setting the Precept
- Borrowing money
- Authorisation of capital expenditure not included in the annual budget
- Approval of the Council's Annual Accounts and the Annual Return
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
- Making, amending or revoking bylaws
- Making of orders under any statutory powers
- Appointment of all Standing Committees
- Matters of principle or policy including those recommended by Presidium
- Noting of all minutes approved by Committees
- Approval of application for Quality Status and/or its equivalent
- Nomination and appointment of representatives of the Council to any other authority, organisation or body
- Any proposed undertakings committing expenditure above £5,000 and that outside of Committee Budgets which may be a charge to General Reserves
- Responses to legislative and other allied consultations excluding those dealt with by the Planning Committee
- Prosecution or defence in a Court of Law other than an Employment Tribunal
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to a Committee.
- Decisions with a view to the Council becoming eligible to exercise the General Power of Competence

3.2. Urgent matters:

- In the event of any matter arising which requires an urgent decision the Town Clerk

shall forthwith consult with the Mayor and/or Deputy Mayor before acting on behalf of the Council

- Before the Town Clerk exercises the delegated powers granted by the above paragraph, those Members consulted shall consider whether the matter justifies summoning a Special Meeting of the Council or appropriate Committee
- Whenever any action is taken in this way, full details of the circumstances justifying urgent action shall be submitted in writing to the next available meeting of the Committee concerned and/or Council.

4. Committees and Sub Committees

4.1. The **Presidium Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

- Approval of its Minutes as true and correct records
- All matters relating to financial management of the Council's affairs including legal matters, excluding the final setting of a precept or any amount to be borrowed.
- Following consultation with all budget holding Committees, to receive estimates from the RFO for all Committee budgets (including Presidium) to enable the establishment of an overall budget estimate for recommendation to Full Council as laid down in Financial Regulations
- The monitoring of all budgets on an ongoing basis, taking action where required to vire (transfer) unspent provision to ensure that the overall budget parameters are maintained
- Audit arrangements, including the selection and review of Internal Auditors.
- Approval of expenditure within the Committee's area of responsibility and included in the approved Council budget up to the amount specified in the budget.
- The maintenance of a Fixed Asset Register. The safe custody and upkeep of all accoutrements and objects of interest or value in the ownership of the Council
- The maintenance and safe custody of the civic insignia
- To negotiate any changes to existing lease agreements and negotiate terms for all new lease agreements remaining mindful of the Council's financial responsibilities.

- Corporate Management including matters of general policy ahead of recommendations to Full Council
- Reviewing the Council's Financial Regulations / Standing Orders and Council policies in consultation with other Council Committees on an annual basis (all amendments to be approved by Council)
- Recommendation of the overall Council budget for each financial year
- Any other matter that has been delegated to it by the Council from time to time.
- The Committee may refer specific matters to the Council for a final decision if it so wishes.

4.2. The **Staffing Committee** shall be delegated to make decisions on behalf of the Council in the following matters and will meet as necessary:

- Approval of its Minutes as true and correct records
- The recruitment and selection of all staff with the exception of the Town Clerk / RFO
- The short listing of applicants for the post of Town Clerk and RFO
- To interview applicants for the post of Town Clerk / RFO and make recommendations to the Council thereon
- To consider and implement any changes that are required for the Council to comply with Employment Law, Health and Safety legislation and terms and conditions of service for all employees as set out in the Employees Handbook produced in consultation with the Council's Employment Law Advisors. *(This incorporates those conditions laid down in the National Joint Council (NJC "Green Book") and recommended by National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC))*
- To administer any discipline or grievance cases in accordance the Council's adopted policies.
- Prosecution or defence in any Employment Tribunal proceedings
- To ensure all staff appraisals are being carried out in accordance with Town Council policy
- To ensure that the Town Mayor carries out an annual appraisal of the Town Clerk
- To approve any changes to the terms and conditions of employment of employees of the council.

- To approve changes to remuneration of any employee within the approved budget.

It is vital that the Council and Staffing Committee keeps confidential its deliberations and decisions around individual staff matters

4.3. The **Planning Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

- Approval of its Minutes as true and correct records
- To have delegated powers to make observations on all planning, highways, footpaths, licensing applications and related matters, and submit those observations to the appropriate authority. When necessary hold meetings with residents, developers or planning officers to assist with the formulation of those observations
- To respond to all consultations, and to take part in any discussions which could result in changes to the Core Strategy, Neighbourhood Plan, Planning Policy Statements, Town & Country Planning Act, etc
- To oversee the process of implementation, monitoring and review of the Neighbourhood Plan
- To respond to requests regarding street naming
- To issue market licences
- Any other matter which may be delegated to it by the Council from time to time
- The Committee may refer specific matters to the Council for a final decision if it so wishes

4.4. The **Community Facilities Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

- Approval of its Minutes as true and correct records
- The maintenance, improvement and general upkeep of the cemetery, allotments, play areas and open spaces within an agreed budget
- The maintenance, improvement and general upkeep of items of street furniture owned by the Council including benches, litter bins and notice boards
- The Town Clerk, in consultation with the Chairman of the Committee, has delegated power to take any action considered appropriate in a situation where the health and safety of public or staff is at risk

- To review and set burial and allotment fees
- The maintenance, improvement and general upkeep of the Eric Payne Community Centre within the agreed budget.
- Approval of expenditure within the Committee's area of responsibility and included in the approved Council budget up to the amount specified in the budget.
- To ensure that all activities carried out within the Council's property have due regard to Health & Safety, Disability Discrimination Act and comply with all legislation in terms of public safety.
- Any other matter which may be delegated to it by the Council from time to time
- The Committee may refer specific matters to the Council for a final decision if it so wishes.

4.5. The **Community Care Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

- Approval of its Minutes as true and correct records
- To discuss all grant applications in accordance with the Council's Community Grant Scheme agreed criteria and guidelines which should be reviewed on an annual basis
- To approve Community Grants up to the amount specified in the budget
- Approval of expenditure within the Committee's area of responsibility and included in the approved Council budget up to the amount specified in the budget.
- To make observations on all flooding, road safety, health and wellbeing and other community matters and submit those observations to the appropriate authority
- To monitor project work undertaken by the Health and Wellbeing Co-ordinator and to advise on new initiatives from time to time
- Any other matter which may be delegated to it by the Council from time to time
- The Committee may refer specific matters to the Council for a final decision if it so wishes.

5. Sub-Committees

- 5.1. 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.

6. Working Parties/Advisory Committees

- 6.1. Working Parties/Advisory Committees may be formed by resolution of the Council or a Committee at any time. The work of such a Working Party/Advisory Committee will be decided upon at the time it is formed by means of a minute detailing the Terms of Reference. Each Working Party/Advisory Committee will report back with recommendations to the Council or the Committee that formed it. A Working Party/Advisory Committee does not have decision-making powers. Non-Council members can be appointed to it. Its meetings are not open to the public.

7. Delegation - Limitations

- 7.1 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, bylaws or orders made and with any directions given by the Council from time to time. This does not apply to Working Parties/Advisory Committees

Approved by Presidium 26 January 2021
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