

Brixham Town Council Scheme of Delegation



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Written by	Tracy Hallett, Town Clerk

THE POWER TO DELEGATE

The power to delegate functions by local councils is set out in the Local Government Act 1972 S.101 as follows:

Local Government Act 1972 S. 101 Arrangements for discharge of function by local authorities

(1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions: (a) by a Committee, a sub-Committee or an officer of the authority, or (b) by any other local authority

(2) Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee of the authority, then unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.

(3) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, subcommittee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.

(4) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.

(5) A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority.

The aim of this document is to clarify the manner in which Brixham Town Council has delegated its powers and the authority to spend.

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 a Committee or the Council. Similarly, where Officers have no delegated power to make a decision they report the matter to Committee or the Council for a decision.

Responsible Financial Officer

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

Proper Officer

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

- To receive Declarations of Acceptance of Office
- To receive and record notices disclosing personal and prejudicial interests
- To receive and record notices of requests for dispensations
- To receive and retain plans and documents
- To sign notices or other documents on behalf of the Council
- To receive copies of by-laws made by the local authority
- To certify copies of by-laws made by the Council
- To sign summonses to attend meetings of the Council
- To arrange insurance

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

- The 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
- The day to day administration and oversight for organised events and activities
- Authorisation of routine expenditure within the agreed budget
- Emergency expenditure up to £2,000 outside the agreed budget
- Matters specifically delegated by Council or Committee

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:

- Approval of the budget
- Setting the precept
- Approval of the Annual Return and Audit of Accounts
- Agreement to write off bad debts £1,000 or over
- Approval by resolution, before payment, of any grant or single commitment in excess of £5,000.
- Authorisation as to terms and purpose for any application for Borrowing Approval and subsequent arrangements for the loan.
- Approval of any financial arrangement which does not require formal borrowing approval from the Secretary of State (eg hire purchase or leasing of tangible assets)
- Approval of purchase, acquisition by other means, sale, lease or disposal of tangible moveable property £1,000 or over.
- Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interests in land).
- Approval of changes in earmarked reserves as part of the budgetary process
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
- Making, amending or revoking by-laws
- Making of orders under any statutory powers
- Matters of principle or policy
- Appointment of Standing Committees
- Appointing Council Representatives to outside bodies
- All other matters which must, by law, be reserved to the Full Council

COMMITTEES

The following matters are delegated to the Council's Committees to make decisions on behalf of the Council. 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.

All Committees are authorised to:

- Elect a Chairperson and vice Chairperson from within the membership of that Committee
- Approve the Minutes of the last meeting of the Committee
- Spend money from budget headings under that Committee's remit up to the limit of the budget and/or named reserve
- Make recommendations on the budget requirement for the Committee for the coming Financial Year.
- Delegate any of their functions to a Sub Committee or Officer of the Council.

Finance and General Purposes Committee

Membership: 7

Quorum: 4

Lead Officer: Town Clerk

Meet: Monthly

The Finance & General Purposes Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- a. Ensuring the Annual Return (Statement of Accounts) is completed in accordance with requirements and recommend to Council accordingly
- b. All other matters relating to Finance (excluding the setting of a precept or any amount to be borrowed) (also excluding the approval of unbudgeted capital expenditure)
- c. Budget monitoring, taking action where required to vire (transfer) unspent provision to ensure that the overall budget strategy is maintained.
- d. Agreement to write off bad debts up to £1,000
- e. Approval of expenditure on items within the committee's area of responsibility and included in the approved Council budget up to the amount specified in the budget
- f. All matters relating to internal and external audit. To ensure that an adequate and effective system of internal controls are in place to secure the integrity of finances and any other information, including the introduction of effective systems of risk management, and consideration of and action on all reports emanating from the internal and external auditors.
- g. To ensure the preservation of probity and good financial and other practices within the Council, including accountability for debt monitoring and recovery
- h. Insurances
- i. Approval of Risk Management Strategy
- j. Electoral matters
- k. Grants and Donations
- l. The maintenance of a Fixed Asset Register covering all items purchased exceeding £500. The safe custody and upkeep of all assets and objects of interest or value in the ownerships or custodianship of the Council.
- m. The maintenance and safe custody of the civic regalia
- n. Corporate management, Council administration and policy
- o. Management of the Council's tenancies, rent reviews and tenancy agreements
- p. To negotiate any changes to existing lease agreements, and negotiate terms for all new lease agreements
- q. Approval of purchase, acquisition by other means, sale, lease or disposal of tangible moveable property up to £1,000.
- r. To make recommendations to Council on the review of the Council's Financial Regulations, Standing Orders, Scheme of Delegation and Council policies
- s. To make recommendations to Council on the Budgets of the Committee, and all Standing Committees
- t. To consider the Scale of Charges in the context of the income and expenditure requirements of the Council, and making recommendations to Council on the proposed Scale of Charges each year
- u. The maintenance, improvement, and general upkeep of the Town Hall within the agreed budget

- v. All matters relating to Personnel / Human Resources and the staff establishment, with any proposed changes to the staff structure to be subject to recommendation to Council
- w. Dealing with the Terms and Conditions of Service and superannuation of the Town Council's staff and making appropriate recommendations relying on, where appropriate, the Scheme of Conditions of Service of the National Joint Councils, the National Association of Local Councils, and any Local Conditions of Service.
- x. Annual review of salaries
- y. Acting as lead Committee in respect of any partnership initiative of a corporate nature with Torbay Council or any other public bodies, making recommendations on terms of reference and constitutional matters
- z. Any other matter which may be delegated to it by the Council from time to time

Sub Committees responsible to the Finance and General Purposes Committee

Grievance and Disciplinary Panel

Council has granted the necessary delegated decision-making powers to the Grievance and Disciplinary Panel in relation to staff grievance and disciplinary issues. Meetings will be called on an ad hoc basis as required, called by the Town Clerk and with notice given to the relevant employee. A minute taker will be present throughout the proceedings. The Panel will follow the procedure set out in the Town Council's Grievance Policy. No delegated financial powers.

Appeals Panel

Council has granted the necessary delegated decision making powers to the Appeals Panel in relation any appeal against the decision of the Disciplinary Panel or the outcome of a Grievance. Members are appointed to the Appeals Panel at the Annual Meeting of the Council, with a pool of deputies also appointed in event of conflict of interests. Any Member who has been involved in the original Grievance or Disciplinary Panel shall not form part of the Appeals Panel. The Appeals Panel will be appointed when any appeals against dismissal, grading, disciplinary proceedings and grievances by employees of the Council are made. The Town Clerk will call the meeting and notice will be given to the employee. A minute taker will be present throughout the proceedings. The Panel will follow the procedure set out in the Town Council's Grievance Policy. No delegated financial powers.

Planning and Regeneration Committee

Membership: 7

Quorum: 4

Lead Officer: Deputy Town Clerk

Meet: *To be determined*

The Planning and Regeneration Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- a) To make observations on all planning, treeworks, highways, licensing applications and consultations, and submit those observations to Torbay Council. When necessary, hold meetings with residents, developers or planning officers to assist with the formulation of those observations
- b) To identify, comment upon and refer to Torbay Council any matters considered to be in breach of planning permission

- c) To identify, comment upon and refer to Torbay Council on any matters relating to the regeneration of Brixham
- d) To comment upon and monitor Tree Preservation Orders and to seek approval for further TPO's if deemed necessary
- e) To respond to all consultations and to take part in any discussions which could result in changes to the Local Development Framework, Planning Policy Statements, Town and Country Planning Act, Brixham Peninsula Neighbourhood Plan etc.
- f) Monitoring and reviewing the Neighbourhood Plan which will be subject to recommendation to Council
- g) Monitoring and reviewing of the Community Infrastructure Levy
- h) The Planning and Regeneration Committee will consider all applications in a consistent manner, including those submitted by or on behalf of members of the council or on behalf of the council itself.
- i) Any other matter which may be delegated to it by the Council from time to time.

Community and Environment Committee

Membership: 7

Quorum: 4

Lead Officer: Deputy Town Clerk

Meet: Bi-Monthly

The Community and Environment Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- a) Civic and Community activities and events organised by the Council
- b) To exercise the delegated powers and duties of the Council with respect to open spaces, recreation areas and allotment areas of the Council, whether owned, leased or managed by the Council
- c) To be lead committee in respect of all matters falling under the purview of the Council that impact upon the environment and its protection ie Brixham in Bloom, waste management and recycling, authorisation to make all Council responses to consultations on environmental matters and to endeavour to ensure that the Council and its Committees make decisions, take actions and carry out projects with full regard to the protection of the environment
- d) To be the lead committee in respect of the Council's strategy document and recommend to Council initiatives derived from the document.
- e) To make recommendations to Council on matters of a strategic nature including proposed road schemes and parking strategies for example
- f) Co-ordination of any town council community safety initiatives
- g) Overseeing Council services ie Town Lengthsman, Information Point etc
- h) Approval of expenditure on items within the committee's area of responsibility and included in the approved Council budget up to the amount specified in the budget
- i) Any other matter which may be delegated to it by the Council from time to time.

TASK AND FINISH GROUPS (WORKING GROUPS)

Task and Finish Groups may be formed by resolution of the Council or a Committee at any time. The work of such a group will be decided upon at the time it is formed by means of a minute detailing the terms of reference. Each group will report back with recommendations to the Council or the Committee that formed it.

Task and Finish Groups have **no power** to make decisions or spend money but will consider the relevant matters in detail and update / make recommendations to the Town Council where appropriate.

Christmas Task and Finish Group

Reporting to: Community and Environment Committee

Policy

Reporting to: Finance and General Purposes Committee

Town Emergency Plan

Reporting to: Community and Environment Committee

Town Hall Regeneration

Reporting to: Finance and General Purposes Committee

EMERGENCIES

Urgent decisions on matters reserved to Council and required to be made before the next scheduled meeting of Council may be delegated to the Town Clerk with the agreement of and in consultation with the Chairperson and Vice Chairperson of Council.

Urgent decisions on matters delegated to committees and required to be made before the next scheduled meeting of the relevant committee may be delegated to the Town Clerk with the agreement of and in consultation with the Chairperson and Vice Chairperson of that committee.

The Town Council subscribes to Microsoft Office 365 and Edge IT Systems. Both of these are cloud based and the Council telephone is VOIP. Therefore, disruption to office-based work will be kept to a minimum.

Council Activity	Action Required	Responsibility / Delegation
Phone Calls	Update answerphone message advising callers to e-mail the main info@ address where possible. Calls to also be diverted to a mobile phone.	Town Clerk to authorise diversion
Emails	All staff can access the Council's sharepoint where they can access their e-mails and documents remotely.	Town Clerk to manage
Expenditure	Two payment runs are processed per month.	Town Clerk and Deputy Town Clerk to check.

	<p>A scan of the invoice in the payment run will be saved in a shared location.</p> <p>The scan of the invoices, Expenditure Approval List and Financial Comparison Report will be saved in a central location, for all councillors to view.</p>	<p>Reports to be uploaded to the Council website in the normal manner.</p> <p>F&GP Committee to check and authorise for payment.</p> <p>Town Clerk and Deputy Town Clerk to process payment as per Internal Financial Procedure.</p> <p>In the event that insufficient responses are received delegated powers are given to the Town Clerk.</p>
Salary	This is carried out once a month by Torbay Council.	Town Clerk to contact payroll to establish that payroll services will not be affected.
Social media communications	<p>All admin staff can take the Council laptops/tablets home to enable them to update social media as required.</p> <p>Any documents for the website would be e-mailed to the Admin Assistant to upload.</p>	Town Clerk to manage
Full Council, committee and working group meetings cancelled	There may be emergencies that require the need to cancel forthcoming meetings.	Town Clerk to liaise with Chairperson and Vice-Chairperson prior to advising cancellations to all Councillors and members of the public.
Chairpersons functions	There may be emergencies that require the need to cancel attendance at forthcoming functions.	Receptionist to contact event organisers to give apologies.
Planning Applications and Licensing Applications	Planning applications and licensing applications to be	Planning and Regeneration Committee

	<p>monitored in normal manner. Report will be saved in central location, for all councillors to view.</p>	<p>to check and advise of any comments.</p> <p>Deputy Town Clerk to report Council comments to Torbay Council.</p> <p>In the event that insufficient responses are received delegated powers are given to the Town Clerk.</p>
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