



## CHILTON TOWN COUNCIL

# Scheme of Delegation

| DOCUMENT CONTROL |             |
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**This Scheme of Delegation authorises the Town Clerk, who is the Council's Proper Officer and Responsible Financial Officer, Standing Committees and Sub- committees of the Council to act with delegated authority in the specific circumstances detailed herein.**

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

### **1.1 Responsible Financial Officer**

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

### **1.2 Proper Officer**

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

- Receive declarations of acceptance of office;
- Receive and record notices from Councillors disclosing interests;
- Receive and retain plans and documents;
- Sign Notices or other documents on behalf of the Council;
- Receive copies of By-laws made by the Unitary Council;
- Certify copies of By-laws made by the Council;
- Sign and issue summonses to attend meetings of the Council.
- 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 in accordance with Standing Orders)
- Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office.

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 or engaged by the Council.
- Authorisation of routine expenditure within the agreed budget.
- Emergency expenditure outside of the agreed budget in accordance with the Council's Financial Regulations.

Delegated decisions and 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. Delegated Powers re Planning**

Planning applications shall be received by the Clerk who will provide details to all Councillors. Where no queries arise, the Clerk shall be delegated to inform the Planning Department within the time allocated. All Councillors will report directly back to the Clerk thereby avoiding discussion between members to prevent issues arising around pre-determination. Where queries arise the Chairman of the Policy and Resources and Planning Committee will call for the matter to be placed on the agenda of the next meeting or if they deem appropriate request a site meeting adhering strictly to legal procedures set by NALC and the Town Clerk will advise the Planning Authority that Chilton Town Council require time to consider this application.

## **3. Council**

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.

- Setting the Precept;
- Borrowing money;
- 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.
- Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings);
- Any proposed new undertakings;
- Prosecution or defence in a court of law;
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee;
- Approving the Annual Return;
- Confirming eligibility to exercise the General Power of Competence

## **4. Chilton Miners Welfare Charitable Trust**

The Town Council is the sole Trustee of the Chilton Miner's Welfare Trust Charity. As sole Trustee, the Council delegates authority to the Chilton Miner's Welfare Trust Meeting on all matters pertaining to the Trust, including financial matters.

## 5. Standing Committees

The **Policy and Resources and Planning Committee comprising of all Members of the Council** shall be delegated to make decisions on behalf of the Council in the following matters:

- All matters relating to Finance with the exception of those set out at paragraph 3.1 reserved by law for consideration by the full Council.
- Partnership Working
- Grants and Donations
- To make recommendations to Council on the Budgets of all Standing Committees.
- All matters relating to Staff, based on recommendations made. This Committee may decide that it wishes to refer such matters to the Council for final decision, subject to the matters reserved to the Council for legal reasons.
- General Administration
- Civic Activities/Local Democracy
- Community Safety including CCTV
- Any other matter which may be delegated to it by the Council from time to time.
- To comment on planning applications received from the Planning Authority where queries have been raised in accordance with 2.4 above.
- Street Naming
- Licensing Matters
- 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.

The following matters are reserved to the Council for decision but the Committee may make recommendations:

Setting the Budget and Precept

**The Committee may refer specific matters to the Council for a final decision if it so wishes.**

The **Services and Amenities Committee Comprising of All Members of the Council** shall be delegated to make decisions on behalf of the Council in relation to the following matters:

Cemetery  
Play Areas  
Allotments  
Sporting facilities  
Maintenance and repair of all buildings owned by the Council  
Environmental Matters  
Markets and Fairs  
Events and Celebrations  
Town Floral displays

Grounds Maintenance  
Northumbria in Bloom  
Chilton in Bloom  
Street Trading Permits

The following matters are reserved to the Council for decision but the Committee may make recommendations:

Recommendation of the Committee's budget each financial year.  
Any funding required outside of the set budget in any given financial year.  
Any other matter which may be delegated to it by the Council from time to time.

The **Human Resources Committee, comprising of 6 Members of the Council** shall be delegated to make decisions on behalf of the Council in the following matters:

Hearings for Grievance, Disciplinary and Capability matters.  
Dealing with any Grievance, Disciplinary and Capability matters to a final conclusion, only reporting to Council when the time for any Appeal has passed.  
Appraisal of the Town Clerk.

The following matters are reserved to the Policy and Resources Committee and Planning Committee but the Human Resources Committee may make recommendations relating to:

Salaries;  
Conditions of Service;  
Staff levels;  
Consideration of staffing reviews

**It is vital that the Human Resources 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.**

**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 Human Resources Committee must agree to undertake training in these matters.**

The **Appeals Committee, comprising of the remaining 6 Councillors who are not on the Human Resources Committee;** is delegated to make decisions on the behalf of the Council in the following matters:

Appeals against decisions made by the Human Resources Committee in Grievance, Disciplinary and Capability matters.

Dealing with Appeals to a final conclusion, only reporting to Council the actions it has taken at the end of the process.

**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 Appeals Committee must agree to undertake training in these matters.**

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 Sub-committee is formed by means of a Minute detailing the Terms of Reference.

### **Working Groups/Parties**

Working Groups/Parties may be formed by resolution of the Council or a 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 or the Committee that formed it.

### **Delegation - Limitations**

Committees and Sub Committees shall, at all times, act in accordance with the Councils 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.