

Filey Town Council's Scheme of Delegation



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1. COUNCIL

- 1) The following matters are reserved to the Council for decision, notwithstanding the fact that the appropriate committee or working party may make recommendations:
 - a. Adopting and changing the Council's Standing Orders, Financial Regulations and Code of Conduct;
 - b. Approving, adopting, or making material changes to the Council's committee structure;
 - c. Approving the Council's Budget and the level of its precept levied on the principal authority (SBC);
 - d. Authorising borrowings;
 - e. Authorising all grant applications above £5,000;
 - f. Authorising the incurring of expenditure above £5,000 not provided for within the approved Budget or otherwise permitted under the Council's Financial Regulations;
 - g. Appointing Council representatives to outside bodies;
 - h. Confirming the appointment of the Town Clerk;
 - i. Making, amending, revoking, re-enacting, or adopting byelaws and promoting or opposing the making of local legislation;
 - j. The power of incurring capital expenditure not specifically included in the Council's annual budget or delegated to a committee;
 - k. Appointment of committees and working parties of the Council;
 - l. Appointing the membership (including non-voting members) of committees and working parties of the Council;
 - m. Any agreement to take on devolved services;
 - n. Decision to create, approve or review a Neighbourhood Plan;
 - o. Prosecution or defence in a court of law other than an Employment Tribunal;
 - p. Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters delegated to a committee;
 - q. Dismissal of members of staff;
 - r. Dates of meetings of the Council;

- s. To respond to public consultations on matters affecting the town other than those that are delegated to a committee, and;
- t. All other matters which must, by law, be reserved to the Council.

2. DELEGATION LIMITATIONS

- 2.1 Committees and officers shall act in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other rules, regulations, policies, procedures, schemes, statutes, by-laws or orders made and with any directions given by the Council.
- 2.2 Any matter not explicitly set out in the Scheme of Delegation below will be reserved for consideration by Council.

3. DELEGATIONS TO COMMITTEES

- 3.1 The matters listed below are delegated to the Council's committees, sub-committees, working groups or panels.
- 3.2 They must be exercised in line with the limitations set out above and may only be exercised where sufficient budgetary provision exists.

Events and Lighting Committee

- 3.3 The following matters have been delegated to the Events and Lighting Committee of the Council to undertake.
 - a. In relation to the Decorative Lighting Scheme, place orders for works, goods and services within the limitation of the approved annual budget. The Committee must approach the Finance & General Purposes Committee for any virements, budget changes or increased funds.
 - b. Undertake contract tendering exercise on behalf of the Council in relation to events, bunting and decorative lighting. Note that the final decision rests with Council in relation to contracts and that the Committee should make a recommendation to Council for it to consider.
 - c. Ensure a system for Risk Management and Health & Safety are in place for the areas within its control.
 - d. Develop successful partnerships and work effectively with representatives from local groups and organisations and other authorities.
 - e. Liaise with relevant organisations to identify best practice and identify issues and areas for improvement in the Town Centre e.g. traffic management schemes; town centre management schemes; improving the local economy; improving crime and disorder etc.
 - f. Ensure that all relevant parties work together to deliver a vibrant, safe, accessible and sustainable town centre.
 - g. Explore sponsorship and other financial support and resources for the town centre and events taking place with the Town Council area.

- h. Work with partners on promoting and organising events in the area.
- i. Consult and engage with the community on Town Centre issues and projects on behalf of the Council.
- j. To work with other groups and organisations to promote tourism to Filey and demonstrate what it has to offer to the wider community.
- k. Liaise with all necessary amenity groups, Local Authorities and Statutory bodies with regard to implementation of signage.
- l. Take a lead role in organising any events that the Town Council may decide to hold or is participating in.
- m. To nominate on behalf of the Council representatives to participate in joint working parties and to represent the Council on external committees in relation to event planning.
- n. Chairman to issue press statements regarding events and lighting on behalf of the Council.

Finance & General Purpose Committee

3.4 The following matters have been delegated to the Finance & General Purpose Committee of the Council to undertake.

- a. Responsible for reviewing the Council's Financial Regulations on an annual basis and making any necessary recommendations to Council. In addition, the Committee will be responsible for recommending to Council minor amendments to the Financial Regulations throughout the year.
- b. Receive, examine and implement internal auditors reports and recommendations and to ensure that recommendations are made to Council where necessary.
- c. Monitor all budgets on a quarterly basis, acting where required to vire unspent provision to ensure that the overall budget strategy is maintained.
- d. Receive proposals from committees for the establishment of a budget and associated report for recommendation to Council
- e. Power to refer any budget request by any committee back to that Committee or to Council if it is felt that the financial implications would be outside normal budget limits.
- f. Discuss applications to the Small Grants Scheme in January of each year and make recommendations to full Council.
- g. Consider any other applications to the Council for grant funding or financial assistance from the Council. All requests over £5,000 must be considered by Council, in those instances the Committee will make a recommendation.
- h. Consider any expenditure outside the established budget strategy when required to do so and make recommendations to Council.
- i. To be responsible for the appointment of an internal auditor and independent financial advisor and make any necessary recommendations to full council

- j. To monitor, review and re-invest the Council's investments in conjunction and advised by the independent financial advisor.
- k. Review the Annual Investment Strategy for each financial year and make a recommendation to Council.
- l. Powers to create new bank accounts and transfer money between accounts to maximise the financial benefit To the Council and its assets.
- m. Review of the effectiveness of internal audit controls, insurance and risk management on an annual basis.
- n. On an annual basis to consider and recommend the level of precept to Council.
- o. Ensure that risk assessments for all the council's activities are carried out on an annual basis.
- p. Ensure that the Annual Audit Return is completed and submitted to the external auditors, and that Council follows the correct procedure in signing off the documentation.
- q. Ensure that adequate insurance provision is in place and that the Council's asset register is up to date.
- r. Chairman to issue press statements regarding Council finance matters on behalf of the full council.

Planning Committee

3.5 The following matters have been delegated to the Planning Committee of the Council to undertake.

- a. Make observations on all planning applications and submit those observations to the Planning Authority (SBC), and when necessary hold meetings with residents, developers or Planning Officers to assist with the formulation of those observations.
- b. Receive notification of any licensing applications and make any observations they deem necessary.
- c. Keep a watching brief on any licensing issue referring any concerns back to the Licensing Authority (SBC).
- d. Respond to all consultations on planning related matters and to take part in any discussions which could result in changes to the Local Development Plan, Local Development Framework, Planning Policy Guidance, Conservation Areas, Town & Country Planning Act etc.
- e. Act on behalf of the Council to appoint a representative to attend Planning Inquiries/Appeals and to make representations in respect of appeals against the refusal of planning permission.
- f. Communicate with the Planning Inspectorate.
- g. Identify and make representations to the relevant authorities in respect of enforcement action or any matters considered to be breaches of planning regulations.

- h. Manage on behalf of the Council the process and the work towards the creation of neighbourhood Plan for Filey.
- i. Chairman to issue press statements regarding planning matters on behalf of the full council.

Property Committee

3.6 The following matters have been delegated to the Property Committee of the Council to undertake.

- a. The Property Committee to have delegated powers for the maintenance, improvements and general upkeep of all council properties and land within the agreed budgets lines above.
- b. The Chairman of the Property Committee and the Town Clerk (or their immediate subordinate) together have delegated power to take any action they consider appropriate in a situation where public and staff safety is at risk, after consultation with the Health & Safety Advisor.
- c. The Committee to have delegated powers to submit proposals in respect of funding for maintenance, improvements and general upkeep, to the Finance Committee not later than the end of December each year.
- d. The Committee to have delegated powers to negotiate any changes to existing lease agreements, to ensure that the Town Council receives the best possible terms whilst maintaining the spirit of the original.
- e. The Committee to have delegated powers to ensure that all activities carried out within the Council's property or on the Council's land have due regard to Health & Safety, equalities and comply with all legislation.
- f. The Committee to have delegated powers to investigate the purchase of new property and land, changes of use for existing property and establishment of new lease agreements. A recommendation to be submitted to full Council to ratify any proposed action in respect of these matters.
- g. The Committee is to have the delegated powers to consider and set the hire costs, services and fess for the Council with reference to the Council's budget.
- h. The Committee will be expected to make a recommendation to Council about the level at which hire costs, services and fees should be set in advance of the budget and no later than November.
- i. The Committee has delegated powers to consider issues relating to capital projects at joint meeting with the Finance and General Purpose Committee.
- j. The Committee has delegated powers to consider issues relating to tenders at joint meeting with the Finance and General Purpose Committee.
- k. Manage the Council's relationship with the Crimlisk Fisher Archive and to raise issue to Council and undertake the following:
 - Ensure the archive's records are maintained to adequate archival standards.
 - Encourage the growth of the archive collection and promote the work of the archive
 - Support requests from the Archivist.

- Consider all current legislation relating to the archive and ensure public safety when accessing the archive.
 - Explore funding opportunities to undertake projects.
 - To adopt the guidelines of the current 'National Archive Copyright Policy' for any copyright requests to the Council.
- l. Delegated powers for the maintenance, improvements and general upkeep of the Bandstand, Crescent Gardens, Filey by submitting proposals in respect of the above to the Town Council's Finance Committee in line with Financial Regulations.
 - m. To be responsible for the drawing up of a lettings policy and scale of charges for the use of the Bandstand for both community users/events and commercial performers.
 - n. To have delegated powers to determine terms of sponsorship and benefits for supporters of the Bandstand to enable it to be maintained as a financially self-sustaining facility.
 - o. The Bandstand Management Committee to have delegated power to consult with other local groups/organisations and other interested parties regarding matters relating to the Bandstand facility.
 - p. The Committee to have delegated powers through the Chairman to issue press statements regarding property matters.

Staffing Committee

3.7 The following matters have been delegated to the Staffing Committee of the Council to undertake.

- a. Recruitment and appointment of all staff, with the exception of the post of Town Clerk/RFO who must be appointed by Council.
- b. Implement any changes to ensure the Council is compliant with its statutory obligations (eg employment, health and safety, etc); the Terms & Conditions of Service as laid down by the National Joint Council (NJC "Green Book"); and, recommended by National Association of Local Councils (NALC) and/or Society of Local Council Clerks (SLCC).
- c. Power to create and appoint members (Staffing Committee members only) to a Hearing Panel made up as of three members of mixed gender wherever possible (from within the Staffing Committee).
- d. Ensure all committee members have appropriate training (eg employment law, Hearing Panel, etc).
- e. Hearing Panels have the power to make a decision on Disciplinary and Grievance matters on behalf of the Council reporting any decision to the Staffing Committee.
- f. Only the Full Council can elect an Appeal Hearing Panel of three panel members of mixed gender wherever possible, who are not members of the Staffing Committee, with appropriate training.
- g. The Appeal Hearing Panel to have the delegated power to make a final decision on appeal matters on behalf of the Council reporting any decision to the Staffing Committee and Council.

- h. Responsible for the preparation and submission of budget proposals in respect of salaries and training for all staff to the Finance & General Purposes Committee no later than 30 November.
- i. Carry out annual staff appraisals and to review Personal Development Training Plans on an annual basis and the Chairman of the Staffing Committee to carry out the Town Clerk's staff appraisal.
- j. Manage the training budget on behalf of the Council and determine the training requirements of staff and members on an annual basis.
- k. Consider and implement all pay awards, determine increment raises, manage the payroll and review staff pension arrangements.
- l. Review job descriptions, person specifications, staff establishment (including promotion, re-grading, redundancies and fixed term contracts), and to approve all contracts of employment.
- m. Review the Staff Handbook & Councillors Handbook annual and make changes throughout the year as required.
- n. The Staffing Committee to have delegated power to manage long term sickness and incidents at work in line with the council's current Sickness Absence Policy.
- o. Review and implement all employment policies, duty to consult with staff on an ongoing basis.
- p. Town Clerk to have delegated power after consultation with the Staffing Committee to progress any staffing matters with Scarborough Borough Council's Human Resources and Performance Team.
- q. Take a leading role in addressing the health and safety needs of staff, members, volunteers and visitors based in the Council Offices.
- r. Chairman to issue press statements regarding staffing matters on behalf of the full council.

Strategic Planning Committee

- 3.8 The following matters have been delegated to the Strategic Planning Committee of the Council to undertake.
- a. Identify and review the Council's strategic documents such as the Town Plan and Action Plan.
 - b. The Strategic Planning Committee is to undertake a review of the Council every two years and produce an Action Plan for the Council.
 - c. On an annual basis to review all policies and procedures not delegated to other committees and make a recommendation to the Annual Meeting.
 - d. Review annually the Council's: Standing Orders and Code of Conduct, Freedom of Information Policy, Publication Scheme, Data Protection (GDPR) and Scheme of Delegation and make a recommendation to full council.

- e. Review Terms of Reference for all the committees and working parties on annual basis and as necessary throughout the year. Recommendations to be made to Full Council.
- f. Manage the Local Council Award Scheme re-accreditation on behalf of the Council.
- g. Review and monitor the Town Council's website and all matters related to the IT (including policies and procedures).
- h. Keep up with regional and national best practice in local authorities and report to Council.
- i. Enter into negotiations with other local authorities regarding the provision of enhanced services and increased responsibilities.
- j. Consider the contents of a Local Council Charter with Scarborough Borough Council and make recommendations to Full Council.
- k. Chairman to issue press statements regarding Strategic Planning matters on behalf of the Council.

Town Guide & Map Committee

3.9 The following matters have been delegated to the Town Guide and Map Committee of the Council to undertake.

- a. Manage the process of compiling, drafting, creating, printing and distributing the Town Guide and Maps.
- b. On an annual basis create a budget setting out the cost associated with the creation of a guide or map and the income that is expected. If a profit is projected the Committee must explain why and what it intends to do with it as part of the budget. The budget must be sent to the Finance & General Purpose Committee before the 30 November.
- c. Power to set the cost of adverts. Costs for adverts and other services associated with the guide or map must be set out at the same time as the budget is created.
- d. Responsible for ensuring that all income associated with the guide and maps is accounted for.
- e. Chairman to issue press statements regarding the Town Guide and Map on behalf of the Council.

Emergency Planning Working Party

3.10 The following matters have been delegated to the Emergency Planning Working Party of the Council to undertake.

- a. Prepare and maintain a Community Emergency Plan.
- b. Liaise with local authority Emergency Planning Officers and emergency services on behalf of the Council.
- c. Review and amend the Community Emergency Plan on an annual basis and to issue the restricted document to plan holders.
- d. Implement the Community Emergency Plan in the event of an emergency.

- e. Co-ordinate a response on behalf of the Town Council and its community in conjunction with emergency services and other responders.
- f. Provide information and advice to the public in conjunction with other local authorities.
- g. Maintain a register of people with special needs.
- h. Provide local information and identify resources to emergency services, local authorities and local groups and organisations.
- i. Manage community reception/rest centre planning and activation.
- j. Identify best practice and identify issues and areas for improvement.
- k. Engage the community and recruit volunteers and allocate tasks in relation to the Emergency Plan.
- l. Appoint members to attend multi-agency meetings as organised by the lead agency/authority
- m. Consider emergency planning training opportunities for members, staff and volunteer groups (emergency workshop exercises) and make recommendations to the Staffing Committee.
- n. Chairman to issue press statements regarding emergency planning on behalf of the full council.

4. DELEGATIONS TO OFFICERS

- 4.1 The Council does not generally operate a formal scheme of delegations to officers but there are certain matters which might be regarded as routine managerial issues.
- 4.2 They must be exercised in line with the limitations set out above and may only be exercised where sufficient budgetary provision exists.
- 4.3 The section below, whilst not comprehensive, seeks to clarify responsibility in respect of the Town Clerk & Responsible Financial Officer:
 - a. Maintain effective internal controls and assist the internal audit of the Town Council;
 - b. Authorised to issue press releases on any Council activity exercised in accordance with Council policy;
 - c. Editorial control of the Council's website (and social media if it has any);
 - d. Deal with all press and public relations on behalf of the Council;
 - e. To notify the Returning Officer of all casual vacancies arising in the membership of the Council as required by statute and to liaise with him or her regarding the conduct of elections;
 - f. Complete monthly accounts, compile a bank reconciliation and prepare the Annual Return;
 - g. Maintain adequate insurance cover for the Council's activities and property;

- h. Act as Responsible Financial Officer as set out in Standing Orders, Financial Regulations and for all other purposes prescribed by law;
- i. Write-off outstanding debts in accordance with Financial Regulations;
- j. Overall responsibility for the Council's Freedom of Information and Publication Scheme;
- k. Be responsible for the provision and management of information and communication technology provided throughout the Council including the replacement of out-dated equipment or the purchase of new equipment within the approved budget;
- l. Maintain the Council's offices and property in accordance with Financial Regulations and make recommendations where necessary;
- m. Authorise rent hire of various properties subject to payment in accordance with the approved scale of charges where appropriate;
- n. Deal with dispensation requests from Members under the Code of Conduct;
- o. Act on behalf of the Council in an urgent situation and report back to the Council as soon as practicable;
- p. Authorisation to call any extra meetings of the Council or any Committee as necessary, having consulted with the Mayor and/or the Chairman of the appropriate Committee;
- q. 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;
- r. Hold the Council's Seal and apply it to documents as approved;
- s. Undertake the duties of Head of Paid and within the approved budget and in accordance with Standing Orders and Financial Regulations to administer the staffing establishment;
- t. Act as proper officer for the purposes as set out in Standing Orders, and for all other purposes prescribed by law, to:
 - i. receive declarations of acceptance of office;
 - ii. receive and record notices disclosing personal and prejudicial interests;
 - iii. receive and retain plans and documents;
 - iv. sign notices or other documents on behalf of the Council;
 - v. receive copies of by-laws made by the unitary authority;
 - vi. certify copies of by-laws made by the Council, and;
 - vii. sign summonses to attend meetings of the Council.
- u. The day to day administration of services, together with routine inspection and authorisation of routine expenditure within the agreed budget (see appendix 1 for budget decision tree), and;

- v. The Town Clerk has the delegated authority to undertake the following budget related matters on behalf of the Council:
- i. Responsible for the overall management of all budgets in accordance with Council policies;
 - ii. The day to day administration of services, together with routine inspection and control;
 - iii. Purchase all necessary goods and supplies for the office and for basic administration of the office;
 - iv. Monitor income, issue invoices and collect amounts owed to the Council;
 - v. Instruct Council contractors to carry out repair and maintenance of Council property and land reporting any spend associated with that to Council for inclusion on the Schedule of Payment;
 - vi. Authorised to make payments according to Standing Orders and Financial Regulations once a decision has been made by Council or a Committee;
 - vii. Emergency expenditure up to £1,000 outside the agreed budget as set out in Financial Regulations, and;
 - viii. Authorisation of routine expenditure within the agreed budget up to a limit of £500, Council must be notified of all spend at the earliest opportunity for it to approve a Schedule of Payment, for the following budget lines:
 - 5214 Office Gas
 - 5215 Office Electric
 - 5216 Yorkshire Water
 - 5123 Subscriptions
 - 5151 Mayoral Allowance
 - 5154 Council Dinner
 - 5155 Mayors Xmas cards
 - 5156 Civic Receptions
 - 5157 Mayoral - Yorkshire Day
 - 5158 Mayoral - Civic Wreath
 - 5160 Civic Duties
 - 5202 Postage
 - 5207 Photocopier
 - 5208 Audit fees
 - 5217 Business Rate
 - 5245 Sundries
 - 5250 Purchase of new Equipment (Capital items)
 - 6401 Advertising
 - 5300 Goods for Resale
 - 5152 Mayors Seat/Tree
 - 5153 Mayors Regalia
 - 5201 Stationery
 - 5212 Security Fire Service & Testing
 - 5213 Cleaning Materials
 - 5218 Refuse collection
 - 5219 Window cleaning
 - 5310 Commemorative Seating

- 5320 Commemorative Trees
- 5500 Model Agreements
- 5502 Cemetery ground maint.
- 5503 Public Seating
- 5504 Public Bus Shelters
- 5900 Lawns Cemetery
- 5901 Burials
- 5902 Memorials
- 6100 Band concerts
- 6105 Filey Bandstand
- 6300 Newsletter
- 6800 Property Maintenance
- 6801 Queen St Garden Maintenance
- 7310 Archivists Honorarium
- 7320 Archive Room Sundries
- 7375 Weedspraying Contract
- 7500 Building Repair/Maintenance
- 7510 Museum Building Maintenance
- 8570 Emergency Plan Working Party
- 5103 National Insurance
- 5104 North Yorkshire Pension Fund
- 5105 Added Voluntary Contributions (AVC's)
- 5211 Health & Safety
- 5209 Software/training/support
- 5222 IT Budget
- 5224 Data Protection
- 6402 Guide
- 6403 Maps

Appendix 1: Budget Spend Decision Tree

