



ALFRETON TOWN COUNCIL SCHEME OF DELEGATION

Overview

This Scheme of Delegation authorises the Proper Officer, Responsible Financial Officer (which may be the same person) and Standing Committees to act with delegated authority in the specific circumstances detailed.

OFFICERS Duties and Powers

Responsible Financial Officer

The Clerk to the Council may also be the Responsible Financial Officer to the Council or an individual may be appointed as the Responsible Finance Officer 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. The Clerk in law is the Proper Officer and is ultimately responsible for the finances of the council.

Proper Officer

The Clerk to the Council 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 personal 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
- Sign summons to attend meetings of the Council.

In addition, the Clerk to the Council 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 of routine recurring expenditure within the agreed budget

- Emergency expenditure up to £500 outside of the agreed budget (Financial Regulation 4.1)
- Any other duty required by Standing Orders

Delegated actions of the Clerk to the Council 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.

COUNCIL AND COMMITTEES

Duties and Powers

Council

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 a recommendation from the staffing committee
- Setting the Precept (which must never be taken in exclusion)
- Borrowing money (which must never be taken in exclusion)
- 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
- 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
- Responses to legislative and other allied consultations
- 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.

Urgent matters:

- In the event of any matter arising which requires an urgent decision the Clerk to the Council shall forthwith consult with the Leader and Deputy Leader (and also with the Lead and Support Member of the Finance and Policy Committee if the matter involves expenditure not provided for in the annual budget, and not covered by Finance Regulation 4.1), before acting on behalf of the Council in respect of the particular matter under consideration.
- Before the Clerk exercises the delegated powers granted by the above paragraph, those Members consulted shall consider whether the matter is of sufficient interest to justify the summoning of a Special Meeting of the appropriate Committee and where a meeting is so summoned the Committee concerned shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
- Before exercising the delegated power granted by paragraph above, the Lead and Support Member of the Committee concerned shall consider

whether the matter is of sufficient import to justify recommending to the Mayor that a Special Meeting of the Council should be called.

- Whenever any action is taken in this way, full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next available meeting of the Committee concerned and of the Council for ratification.

Committees

Finance and Personnel Committee;

shall be delegated to make decisions on behalf of the Council in the following matters:

- All matters relating to financial management of the Council's affairs, excluding the setting of a precept or any amount to be borrowed.
- To receive estimates from Council Committees for the establishment of a budget Strategy for recommendation to full Council as laid down in Financial Regulation and to refer any budget request by any Committee back to that Committee or to full Council if it is felt that the financial implications would be outside normal budget limits.
- The monitoring of all budgets on a regular basis, taking action where required to ensure that the overall budget strategy is maintained.
- Audit arrangements, including the review of internal and external audit reports.
- 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
- The maintenance of a Fixed Asset Register covering all items purchased exceeding £100.
- Corporate Management including matters of general policy and the Council's Quality Status
- The recruitment and selection of all staff with the exception of the Town Clerk /RFO
- The shortlisting 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 law and terms and conditions of service for all employees as 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)
- 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
- To administer any discipline or grievance cases in accordance the councils' adopted policies.
- Prosecution or defence in any Employment Tribunal proceedings
- To carry out regular staff appraisals
- 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.

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

- Reviewing the Council's Financial Regulations / Standing Orders and Council policies in consultation with other Council Committees on an annual basis.
- Recommendation of the Committee's budget each financial year
- Any funding required outside of, or above, the set budget in any given 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.

It is vital that the Council and Finance and Personnel Committee keeps confidential its deliberations and decisions in cases of Grievance, Disciplinary and Employment Tribunal hearings

Planning Committee;

shall be delegated to make decisions on behalf of the Council in the following matters:

- To have delegated powers to make observations on all planning, highways, 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 Local Development Framework, Planning Policy Statements, Town & Country Planning Act etc. The Planning Committee reserves the rights to refer any decision back to full Council for discussion as and when they deem necessary.
- 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
- The Mayor attends the Planning Committee as an "ex officio" (non voting) member but can participate in the debate.
- The planning 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.

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, or above, 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 Committee may refer specific matters to the Council for a final decision if it so wishes.

Alfreton House and Properties Committee;

shall be delegated to make decisions on behalf of the Council in the following matters:

- The maintenance, improvement and general upkeep of all the councils' properties within the agreed budget.
- Management of the Council's tenancies, rent reviews and tenancy agreements
- 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
- To submit proposals in respect of budget requests for maintenance, improvement and general upkeep, to the finance and personnel committee as detailed in Financial Regulation
- To negotiate any changes to existing lease agreements, and negotiate terms for all new lease agreements to ensure that the Town Council receives the best possible terms.
- To ensure that all works carried out on the Council's properties have due regard to Health & Safety, Disability Discrimination Act and comply with all legislation in terms of public safety.
- To have delegated powers to promote the use of the Town Hall

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, or above, 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 Committee may refer specific matters to the Council for a final decision if it so wishes.

Environment, Sport and Regeneration;

shall be delegated to make decisions on behalf of the Council in the following matters:

- 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.

Sub-Committees

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.

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 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.

Attendance of Members at Committee meetings

All Councillors have an absolute right to attend any committee meeting. The chairman of the committee has at his absolute discretion the right to allow a non-member to speak. A non-member would be required to notify the chairman in advance if they wished to speak on an agenda item. A non-member could make one statement per agenda item if invited by the chairman not to exceed 2 minutes. Any further participation in the meeting of a non-member is at the invitation of the chairman.

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 a meeting due to the special or confidential nature of the business to be transacted. Councillors who are non-members of a committee that has passed a resolution excluding the 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.