



# BLYTH TOWN COUNCIL

## SCHEME OF DELEGATION

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## **Introduction**

This document sets out the manner in which Blyth Town Council delegates its powers. It provides essential information to enable anyone to understand how the Council makes its decisions and who is legally responsible to give a decision on any matter. This document needs to be read in conjunction with the Council's Standing Orders and Financial Regulations.

The basic principle used has been to delegate to Committees powers to act within their Terms of Reference. This means that on all matters not reserved for consideration by another Committee, or by the full Council, Committees can **RESOLVE** and thereafter action can normally be taken by Officers. **However certain matters cannot legally be delegated and other powers such as deciding major policy, are reserved by the Council to itself.** On such matters, Committees can only RECOMMEND a course of action and, in these cases, Officers cannot normally carry out the instructions of the Committee until the recommendation has been approved by the full Council.

Details of the powers **reserved** for decisions by the Council are contained in **Section 2** of this document.

The intention of the delegation scheme is, therefore, that the Council should act with all reasonable speed, and decisions should be taken at the most suitable level. Officers are given the power over day to day administration of the Council, Committees are able to decide matters within their own Terms of Reference, and matters of major policy should be RECOMMENDED to the Full Council.

Wherever the Clerk is referred to in this document it shall be understood that the Deputy Clerk can deputise for the Clerk both in the absence of the Clerk and to enable the efficient and effective running of the Town Council.

In the interests of openness and providing full information, major decisions taken by the Clerk or any other Officer should be reported to the appropriate Committee at the earliest opportunity, and should members wish to raise any question concerning the exercised delegated powers, then they should contact the appropriate Committee Chair or the Clerk.

## **Section 1**

### Delegation

The legal basis of the delegation conferred by this Document is contained in the following provisions of the Local Government Act 1972:

#### Section 101: Arrangements for the 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 arrange for the discharge of any of those functions of a Local Authority and where by virtue of this section any functions of a Local Authority may be discharged 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 function by a Committee, Sub-Committee, 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.

## **Section 2**

### Functions reserved to the decision of the Full Council

- Setting the precept and approval of Council's annual budget
- Approval of the Annual Accounts.
- Completion of the Annual Return including the Governance Statement.
- Consideration of an Auditor's report made in the public interest (*within one month of receipt*).
- The making, amendment or revoking of Standing Orders, Financial Regulations and Scheme of Delegation.
- Adoption or revision of Council's Code of Conduct.
- Confirmation (by resolution) that the Council has satisfied the statutory criteria to exercise the General Power of Competence;
- Determination and review of the Bank Mandate.
- Matters of principle or policy including setting Strategic Objectives with clear outcomes and targets.
- Nomination or appointment of Representatives of the Council to outside bodies.
- Nomination or appointment of Representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to a Committee.
- The making, amendment or revoking of bye-laws.
- Agreement to write off individual bad debts above £500.
- Approval by resolution before payment of any grant or single commitment in accordance with Financial Regulations.
- Authorisation as to terms and purpose for any application for Borrowing Approval and subsequent arrangements for the loan.
- Approval of purchase, acquisition by other means lease, sale or disposal of tangible assets in accordance with Standing Orders or Financial Regulations.
- Approval of virement of unspent and available amounts in excess of £2,000 to other budget headings in accordance with Financial Regulations.
- Approval of use of Reserves or changes in earmarked Reserves as part of the budgetary process.
- The dismissal of any Officer.
- The overall review of any rents or charges.

## **Section 3**

### General Scheme of Delegation to Committees

**1.(a)** The Council resolves to delegate to every Committee of the Council full powers to act in all matters covered by the Committee's Terms of Reference **subject to:**

- a. the provision of any Standing Order or Financial Regulation for the time being in force, except where such Order or Regulation has been specifically waived by resolution of the Council.
- b. Prior Council approval of annual capital and revenue estimates.
- c. Any scheme requiring application for consent to borrow having first been approved by Council and loan sanction secured.
- d. When matters of major policy are involved, the existence of a policy approved by the Council. In the absence of such policy, Committees and any Sub-committees may consider the matter and make recommendations to the Council via the Governance Committee.

#### **Major Policy will rise either:**

- a. On matters of major importance which have not previously been before the Council or
- b. Matters which have arisen in other committees or Sub-Committees but which cannot be resolved by them in the absence of agreed Council policy or
- c. In cases of doubt where major policy is involved, the Chair of the Council or Chairs of any other Committee or Sub-Committee, or in their absence the appropriate Vice-Chair may, before a decision is taken, state that a matter of major policy is involved.
- d. Prior Council approval to recommendations for the allocation of duties, powers and guidelines to Committees.

**1. (b)** The exercise by Committees of the powers shall be without derogation to the powers of the Council to call for a report on any Committee decision.

**1. (c)** Every Committee shall have power to authorise an Officer, after consultation with the Chair of the Committee, to take decisions on specific urgent matters falling within its own Terms of Reference as it sees fit.

**1. (d)** Notwithstanding the powers delegated to Committees, the Council retain the right to exercise such powers where necessary.

## **Section 4**

### Terms of Reference – Governance Committee

The Committee will be responsible for the management, research and development of the following areas:

To co-ordinate the recommendations of the other Committees on strategic priorities, budget proposals (revenue and capital), and proposals on policies and procedures to enable the Committee to recommend a holistic approach in agreeing strategic priorities and objectives, and recommend to the Council an annual budget and the annual precept to be levied by the Council together with action plans, which will deliver those priorities and objectives.

To carry out an annual review of Standing Orders and Financial Regulations and make recommendations to the Council on any necessary changes.

To receive reports from the other Committees on performance reviews in relation to Committee action plans as well as budget reports comparing expenditure and income against overall budgets and recommending any necessary action to the Council.

To ensure the preparation of annual accounts and arrange for their external audit.

To review the Council's governance arrangements in compliance with good practice and make recommendations to the Council on any changes. To arrange for the annual review of the Council's insurances and to oversee the procedure for risk assessment.

To ensure that there are robust and adequate Health and Safety arrangements in place within the Council in respect of all of its activities and to ensure that these are understood and adhered to in all cases.

To consider any matters of policy which do not fall clearly within the responsibilities of any other Committee and to make recommendations to the Council.

To oversee all employment and staffing matters including disciplinary procedures.

To manage the Council's complaints procedure and to consider any complaints made against the Council in accordance with that procedure. To consider any complaints made against any member of the Council and take appropriate action in consultation with Northumberland County Council's Monitoring Officer where appropriate.

To consider an overall communications strategy including Community engagement for recommendation for adoption by the Council.

The Committee may delegate any of its functions to a Sub-Committee or the Clerk of the Council.

#### Complaints & Grievance Sub-Committee (Governance Committee)

The above Sub-Committee is delegated with the power to manage the complaints procedure and resolve to take any action necessary to expedite the issues **without** recourse to the Standing Committee unless the Chair deems it necessary.

#### Staff Sub-Committee (Governance Committee)

The above Sub-Committee is delegated by the Standing Committee to oversee all employment and staffing matters including disciplinary and to make suitable recommendations to the standing Committee for approval **unless** given specific powers to resolve the matter is delegated to the sub-committee by of the Standing committee.

### **Powers Delegated to the Town Clerk within the responsibilities of the Governance Committee**

See powers delegated to the Town Clerk on financial and staffing matters included within Section 7 of this Report. (Powers delegated to Officers).

## **Section 5**

#### Terms of Reference – Environment Committee

The Committee will be responsible for the management, research and development of the following areas in accordance with Council policies, Standing Orders and Financial Regulations.

Day to day management of all assets e.g. play areas, allotments, open spaces, litter bins, bus shelters, flower beds and the enhancement of those services within the contract with the County Council and any other relevant contractor.

The Committee will consider and agree service standards for services within the contract and amend the contract subject to any budget requirements, so that they are consistent with the Council's priorities and objectives and provide best value for money.

The management and delivery of the Britain in Bloom and Blyth in Bloom competitions.

The annual consideration of priorities and objectives in relation to the services provided by the Town Council as well as other partner organisations and to recommend any changes in those priorities.

To work in partnership with relevant bodies and organisations in delivering the Council's strategic objectives and outcomes.

Preparation of an annual service budget, both capital and revenue, with proposals over a three year period, which reflect the Committees strategic objectives and priorities, and submitting these proposals through the Governance Committee within a timetable to enable the Council to set a fixed budget and agree a precept within the statutory guidelines.

To deliver those services in accordance with the approved budget.

To agree service action plans on service standards and outcomes to be achieved in line with its approved budget.

To monitor and review those action plans and budget performance at each committee meeting and report to the Council through the Governance Committee.

### **Powers delegated to the Town Clerk**

The Clerk shall be delegated to undertake the day to day management of all assets within the Committee's Terms of Reference e.g. these will include:

- Management of playgrounds and open spaces.
- Day to day management of the partnership arrangements with Northumberland County Council and other contractors.
- Let allotments, serve notices to cultivate or terminate allotment tenancies on breach of any tenancy conditions.
- Draw up a management plan for the maintenance, repair, development and improvement including proposals for charges to tenants for each of the allotment areas which will be presented to the Committee for consideration on an annual basis.
- Collect all fees and charges in connection with allotments and undertake debt recovery action in accordance with Council policies and procedures.
- Liaise with the allotment holders and their associations and to arrange any consultation or meetings with the Committee in order to ensure their participation in any proposals with regard to the allotments.

**These powers can be delegated by the Town Clerk to the appropriate member of staff.**

## **SECTION 6**

### Terms of Reference - Community Development Committee

The Committee will be responsible for the management, research and development of the following areas.

Consideration of any **strategic** or **contentious** planning applications which are subject to consultation by the principal authority e.g. Northumberland County Council.

Making recommendations to the Council on any plans or proposals for the development, or wellbeing of the town.

Management and development of the Council's grants scheme in conjunction with the development of a programme of events which will deliver the Council's strategic objectives with regard to the economy, social, and environmental priorities.

To review priorities and policies in relation to the economic wellbeing of the town and to make recommendations to the Council regarding any changes in those priorities and policies.

Preparation of an annual service budget, both capital and revenue, with proposals over a three year period, and submitting these proposals through the Governance Committee within a timetable to enable the Council to set a fixed budget and agree a precept within the statutory guidelines.

To agree service action plans on service standards and outcomes to be achieved in line with its approved budget.

To monitor and review those action plans and budget performance at each committee meeting and report to the Council through the Governance Committee.

### Community Funding Sub-Committee (Community Development Committee)

The above Sub-Committee is delegated with the management and development of the council's grant scheme and has the power to resolve any individual applications **without** recourse to the standing Committee.

## Planning & Development Sub-Committee (Community Development Committee)

The above Sub-Committee is delegated to consider any minor planning issues that have a bearing on the area and make the necessary comments to the County Council. Any strategic or contentious planning issues will be considered by the Sub-Committee and a recommendation made to the Standing Committee or Council if appropriate.

The Sub-Committee is delegated with resolving other quasi planning related issues **without** recourse to the Standing Committee e.g. heritage issues etc. providing budget provision is available.

### **Powers delegated to the Town Clerk**

Power to respond to any urgent request for response to consultation requests in connection with any planning application subject to consultation with a panel of the three Committee Chairs (or Vice-Chair) and the Chair of the Town Council.

Routine consultation on proposed planning applications will be dealt with by the Committee if they are within the required timescale, otherwise they will be referred to the delegated powers (as above). Either the Committee or the panel will have the power to refer a planning item to a planning Sub-Committee as and when necessary.

## **Section 7**

### Delegation to Officers

The Clerk to the Council is both the Proper Officer and shall carry out the functions of the "Proper Officer" as provided by the Local Government Act 1972 and as set out in the "job description" for the post, as well as the Responsible Financial Officer to the Council and is responsible for the Town Council's accounting procedures, financial records and is accountable for the proper administration of its finances in line with the current Account and Audit Regulations and the Council's adopted Financial Regulations.

In the absence of the Clerk, the full authority of the Proper Officer and Responsible Financial Officer passes to the Deputy Clerk.

Additionally, the Clerk may delegate to the Deputy Clerk or any other staff member if appropriate, to undertake functions delegated to the Proper Officer.

Delegated actions to the Clerk or other Officer shall be in accordance with

Standing Orders, Financial Regulations, and this Scheme of Delegation.

**The Clerk is specifically empowered as follows:**

Financial and Audit Powers and Authority

Power to make day to day purchases on behalf of the Council in order to exercise its functions duties, and responsibilities in accordance with Financial Regulations.

Power to authorise use of all Council facilities and equipment in accordance with any Council charging policies.

Power to deal with all aspects of the Council's insurances and to negotiate and accept terms for renewal as and when required.

To negotiate and recommend to the Council terms for acceptance relating to the Council's Banking arrangements.

To make proper arrangements for the payment of all sums owing to the Council and for the receipt of all sums due to the Council and to take appropriate recovery action where necessary.

Power to seek and obtain any grants and donations for which the Council may be entitled to apply.

Power to authorise any remedial or maintenance work on Council property or assets.

Power to invest surplus funds in accordance with Council's agreed policy. Authority to vire budget amounts within a committee's budget in consultation with the appropriate committee Chair in accordance with Financial Regulations. Any virement made under this power should be reported to the appropriate Committee(s) at their next meeting for information.

Staffing - delegated power

Authorised to apply the Council's staffing, employment and disciplinary procedures in accordance with agreed policies.

Power to appoint staff (full time, part time and temporary) in accordance with the current Council policy.

Power to engage professional and consultancy advice in consultation with the Chairman of the Council up to a single amount per engagement of £5,000.

Power to authorise staff to use private cars and pay casual user mileage allowance for essential duties.

Power to implement nationally agreed salary/pay awards subject to details being reported for information to the next meeting of the Governance Committee.

Power to sanction and authorise payment of overtime within budget provisions.

### **Other General delegated Powers**

Power to take immediate action on all other urgent matters subject to consultation with all of the Committee Chairs or Vice-Chairs and a full report being taken to the next relevant Council or committee meeting.

Power to let contracts for works, supply of goods or services as required provided procurement is in accordance with the Council's Standing Orders and Financial Regulations.

Power to delegate any functions delegated to the Town Clerk to any other member of staff of Blyth Town Council.

Any powers delegated by the individual committees within their terms of reference.