



STOKESLEY

TOWN COUNCIL

SCHEME OF DELEGATION

Approved 8 March 2016

STOKESLEY TOWN COUNCIL

Document Version Control

<u>Version Number</u>	<u>Comments</u>	<u>Date</u>
0.1	Initial Draft for Discussion	5 February 2016
1.0	Document Approved by Parish Council Meeting	8 March 2016
1.01	Replaced Parish Council with Town Council	4 March 2017



STOKESLEY TOWN COUNCIL

SCHEME OF DELEGATION

INDEX

INTRODUCTION	4
MATTERS WHICH ARE RESERVED FOR COUNCIL.....	5
PROPER OFFICER.....	5
RESPONSIBLE FINANCIAL OFFICER	7
ALL COMMITTEES	7
PLANNING COMMITTEE.....	8
URGENT ITEMS	8

STOKESLEY TOWN COUNCIL

SCHEME OF DELEGATION

INTRODUCTION

- 1 The document details the manner in which Stokesley Town Council has delegated its powers. The intention of this scheme of delegation is that the Council should act with all reasonable speed and that decisions should be taken at the most suitable level.
- 2 However, Stokesley Town Council ('the Council') may only do what legislation requires or permits it to do. With some specific exceptions, the Council may delegate functions to committees, sub committees, officers, or other authorities.
- 3 The power to delegate functions by local councils, and specifically Stokesley Town Council, is set out in the Local Government Act 1972 S.101 - Arrangements for discharge of function by local authorities, as follows:
 - a) 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:
 - i) by a Committee, a Sub-Committee or an officer of the authority, or
 - ii) by any other local authority
 - b) 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.
 - c) Any arrangements made by a local authority or committee under this section for the discharge of any functions 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.
 - d) 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 (b) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.
 - e) A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority.
- 4 Within this document it should be noted that the Clerk to Stokesley Town Council acts in the capacity of the Council's Proper Officer and of the Council's Responsible Financial Officer.
- 5 The intention of this scheme of delegation scheme is that the Council should act with all reasonable speed and that decisions should be taken at the most suitable level. For

STOKESLEY TOWN COUNCIL

example officers are given power over the day to day administration of the Council and , committees are empowered to decide matters within their Terms of Reference,

MATTERS WHICH ARE RESERVED FOR COUNCIL

- 6 Certain functions cannot be delegated and are therefore reserved to the full Council, although an appropriate committee may make recommendations thereon for the Council's consideration. The functions reserved for decision by the full Council are:
- To adopt and change the Standing Orders.
 - To approve and adopt the Policy Framework.
 - To approve and adopt the Budget.
 - To determine the Council's Corporate Priorities.
 - To appoint the Chairman and Deputy Chairman.
 - To agree and / or amend the Terms of Reference for Committees, deciding on their composition and making appointments to them.
 - To adopt the schedule of full Council meetings for the ensuing year.
 - To consider the recommendations of the Employment Committee and adopt the level of allowances that can be claimed by Members of the Council in respect of authorised or approved duties.
 - To make any decisions which would be contrary to the policy framework.
 - To determine matters involving expenditure for which budget provision is not made or is exceeded.
 - To determine matters which do not fall within the remit of any Committee.
 - To determine matters affecting or likely to affect, another Committee or where consultation with or approval of that other Committee is required.
 - To determine any matters referred to it by a Committee in accordance with Standing Orders.
 - To make decisions concerning district boundaries, electoral divisions, towns or polling districts.
 - To set the Precept.
 - To appoint the Clerk and Assistant Clerk.
 - To make byelaws.
 - To borrow money.
 - To receive statutory reports from the Proper Officer.
 - To consider any matter required by law to be considered by Council.

PROPER OFFICER

- 7 The Clerk to the Council shall be the Proper Officer and 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. In the absence of the Clerk, the full authority of the Proper Officer passes to the Assistant Clerk. Additionally, the Clerk may delegate to the Deputy Clerk to undertake functions delegated to the Proper Officer. Delegated actions of the Clerk or other officer 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.

STOKESLEY TOWN COUNCIL

8 The Clerk is specifically authorised to:

- Receive declarations of acceptance of office.
- Receive and publish Members' Registers of Interest
- Receive and grant Disclosable Pecuniary Interest (DPI) dispensations after consulting with the District Council's Monitoring Officer; details of all dispensations received and granted to be reported to the Council at the next available meeting.
- Sign and serve on councillors a summons with an agenda to attend Council and committee meetings
- Convene a meeting of the Council if a casual vacancy occurs in the office of the Chairman
- Sign notices or other documents on behalf of the Council
- Receive and hold copies of byelaws made by a principal local authority which affect the Council's area
- Receive and retain plans, notices and documents
- Certify copies of byelaws made by the Council
- To sign on behalf of the Council any document necessary to give effect to any decision of the Council, to take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council;
- To institute and appear in any legal proceedings authorised by the Council,
- To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest

9 In addition, the Clerk is authorised to undertake the day to day administration of the Council, to include:

- Calling extra meetings of the Council or any committee or sub-committee as necessary, having consulted with the appropriate chairman, except those called by the Chairman or members in accordance with Stokesley Town Council Standing Order 6.
- Issuing press releases and statements to the press on the Council's known policies, subject to the provisions of the Council's Press and Media Policy.
- Updating and managing the content on the Council's website
- Making arrangements for the maintenance of the office IT system.
- Co-ordinating the production of the Council's newsletters
- Disposal of Council records according to legal restrictions and the agreed retention and disposal policy
- Handling requests for information under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- In the first instance, acknowledging and handling all complaints regarding the council (except where the complaint relates to the clerk);
- Making arrangements for the routine maintenance of the Town Office
- Purchasing basic office equipment and supplies
- Arranging emergency repairs to the Town Office or other Council premises (subject to the council's standing orders and financial regulations.)
- Taking appropriate action arising from other emergencies (in consultation with the Chairman/Vice Chairman of Council or committee chairman as appropriate to the circumstances)

STOKESLEY TOWN COUNCIL

- Managing all employees (not including any variation of employment contracts and not any matters relating to grievances lodged against him / her) of the council and has the authority to take disciplinary action, excluding termination of employment, under agreed procedures;
 - Making arrangements to pay salaries/wages and expenses to all employees of the Council (subject to the Council's financial regulations);
 - Dealing with day to day matters in relation to the allotments function, in accordance with any policies and decisions of the Council, including issuing Allotment Tenancy Agreements and making arrangements for collecting the annual rents.
 - Authorising routine recurring expenditure within the agreed budget
 - Authorising payment for items below £500 in consultation with the Chairman of Council or the Chairman of the appropriate Committee as outlined in Financial Regulations Paragraph 4.1)
 - Emergency expenditure up to £500 whether or not there is budgetary provision for the expenditure as outlined in Financial Regulations Paragraph 4.5)
- 10 When the Council delegates a specific task or function to the Proper Officer, the action taken must be reported to the next Council meeting
- 11 Additionally, the Proper Officer shall be the Proper Officer for any function of the Council in the absence of any other appointment as specified within this Delegation Scheme.

RESPONSIBLE FINANCIAL OFFICER

- 12 The Clerk shall be the Responsible Financial Officer (RFO) to the Council and is responsible for the Town Council's accounting procedures and 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. The functions and duties of the RFO are set out in the job description for the post of Clerk.
- 13 Additionally, as RFO the Clerk is authorised to:
- To accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation.
 - To compile, approve or vary lists of approved contractors in accordance with Stokesley Town Council Standing Order 18.
 - To invest monies held by the Council in accordance with the Council's investment policy:
- 14 Those duties which are the responsibility of the Responsible Financial Officer shall not be delegated to any other officer of the Council.

ALL COMMITTEES

- 15 All Committees are authorised to:
- Elect a chairman and deputy chairman from within the membership of that Committee

STOKESLEY TOWN COUNCIL

- 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
- Undertake the functions specified in the Terms of Reference of each committee
- 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.

PLANNING COMMITTEE

- 16 All planning applications will be discussed by the Council at their monthly meeting. Where the timing of meeting allows the Council will agree such observations and comments as it sees fit to the Local Planning Authority in respect of planning development control enforcement matters
- 17 Where the timing of meetings does not allow this then a report will be presented to the meeting of comments made by the members of the Planning Committee which have been collated and submitted by the Clerk.
- 18 In more major applications the Clerk will seek an extension in the time for response from the planning authority and if this is not granted then the Clerk will call a special meeting of the Council.

URGENT ITEMS

- 19 The Proper Officer is authorised to act on behalf of the Council in cases of urgency or emergency, subject to:
 - Consultation with the Chairman (or if unavailable the Deputy Chairman) and one other councillor (ideally the Chairman or Deputy Chairman of the relevant committee) before such action is taken.
 - Any such action is to be reported to the next meeting of the Council