

Crowle & Ealand Town Council

Scheme of Delegation and Terms of Reference



Adopted: 10th May 2022

Minute Reference: F/010/22

Review Date: (every 2 years unless legislation changes) May 2024

Applicable statute

Local Government Act 1972 (LGA 72) Section 101,117

LGA 72 schedule 12a (part 1)

LGA 72 s102

Data Protection Act 1998

Public Bodies (Admission to Meetings Act) 1960 s2

CONTENTS

Discharge of the Scheme

Principles of Delegation

Authority to Act

Conflicts of Interests

Council Reserved Powers

Delegation to Committees

Delegation to Committees – Safeguards

Delegation to Officers; Town Clerk (TC) and Responsible Financial Officer (RFO)

DISCHARGE OF THE SCHEME

This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders and will be reviewed every two years, when there are staffing changes or if a change in law necessitates review.

Those with delegated responsibility are referred to by job title, TC/RFO.

One of the purposes of the document is to clearly define the parameters within which Officers of the Council can act without reference to Councillors. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.

Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

The other purpose of the document is to capture the various delegated powers throughout the Council, including those delegated by the Council to its committees. This element of the scheme incorporates the Terms of Reference of the committees.

PRINCIPLES OF DELEGATION

Section 101 of the Local Government Act 1972 provides:

- That a Council may delegate its powers (except those incapable of delegation) to a committee; or an officer.
- A Committee may delegate its powers to an officer.
- The delegating body may exercise Powers that have been delegated.

Any delegation to a Committee, the TC/RFO shall be exercised in compliance with the Council's Standing Orders, its Financial Regulations and any other policies or conditions imposed by the Council and with the law.

In an emergency the TC/RFO are empowered to carry out any function of the Council.

Where the TC/RFO is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chairman of the Council and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

AUTHORITY TO ACT

It will be appropriate for the TC/RFO to refer a matter to the Council where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for councillors to determine; or could, by its scale or complexity expose the Council to major corporate risk.

The TC/RFO and Committees have the responsibility to act within the Councils approved policies, procedures and framework and within the law in conjunction with this delegated scheme.

CONFLICTS OF INTEREST

Under the LGA 72, section 117 all Officers must make a formal declaration about council contracts where they have a financial interest.

Where an Officer has a conflict of interest in any matter, he/she shall not participate in that matter unless approved by the Council and this is formally recorded in the Council minutes.

COUNCIL RESERVED POWERS

The following matters are only to be resolved by the full Council:

- Appointment of the TC/RFO and other council officers following a recommendation from the Personnel Committee
- To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies
- To approve and adopt the budget
- To appoint committees and working groups
- To approve membership of all committees and working groups unless delegated below
- To agree and/or amend the terms of reference for Committees
- To adopt the schedule of meetings for the ensuing year
- To determine matters involving expenditure for which budget provision is not made or is exceeded
- To set the precept
- To make byelaws
- To borrow money
- To annually approve the statutory annual return
- To approve eligibility for the General Power of Competence
- To assess, consider and (if approved) award donations and grants fund to other bodies where lawful and appropriate in accordance with statute and the Council's grant policy
- To receive, consider and (if approved) ratify recommendations from the Personnel Committee in respect of staff remuneration outside of budget allocation
- To assess, consider and (if approved) ratify recommendations from working groups

DELEGATION TO COMMITTEES

Crowle & Ealand Town Council currently have the following committees:

- Personnel Committee

Terms of reference for committees are available in the policies section of the files and are adopted annually in line with the review date.

DELEGATION TO COMMITTEES – SAFEGUARDS

The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a Committee or Officer.

DELEGATION TO OFFICERS

General Administration

Powers Awarded to (Role)	Delegated Functions
TC	The TC is designated and authorised to act as the Proper Officer for the purposes of all relevant sections of the LGA 72 and any other statute requiring the designation of a proper officer.
TC/RFO	Officers have power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council
TC/RFO	In the case of an emergency, the TC/RFO shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Chairman (if practicable in the circumstances).
TC/RFO	Authority to dispose of the Council's assets (excluding land and building assets) subject to the estimated value of any one tangible; moveable item does not exceed £500. The TC/RFO is responsible for ensuring any disposal details including the disposal values are recorded in the assets register.
TC	Power to authorise relevant training courses provided the expense can be met from approved budgets having taken into account the training needs of the employees/Councillors
TC/RFO	Power to purchase office supplies as required up to the sum of £500 per annum. Any additional spending requirement is to be brought to Council for approval.
TC	To sign all documents on behalf of the Council including the Summons to Elected Members to attend Council Meetings in accordance with paragraph 4 and Schedule 12 of the Local Government Act, 1972
TC	To sign and publish the annual public notice that the Audit of Accounts is to take place and has taken place.
TC	To receive members' acceptance of declarations of interest and their appointment as a Councillor.
TC	Power to release press statements on any activities of the Council subject to prior consultation with the Chairman
TC/RFO	Power to act on own initiative to implement the Council's policies and objectives.
TC/RFO	Power to take appropriate steps to ensure the Council does not exceed its powers.
TC/RFO	Power to manage all the Council's resources in accordance with the Council's policies.
TC/RFO	The TC/RFO shall be responsible for signing all the Council's Official Notices as set out in the Standing Orders
TC	Authority to issue written authorisation to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties
TC/RFO	Powers to liaise and instruct any contractors/sub-contractors carrying out work on behalf of the Council in line with Council policies and Chairman consultation.

Planning

Powers Awarded to (Role)	Delegated Functions
TC	May request an extension to the 21-day planning consultation period should the expiry fall outside of the meeting schedule.

TC	May consult via email with Councillors regarding planning applications that are not permitted an extension, cannot be heard within the 21-planning consultation period and submit a consolidated consultee comments approved by full council to NLC planning department.
TC	Call an extra ordinary meeting to discuss planning applications where it has not been possible to extend the consultation period if email consultation is deemed unsuitable, i.e significant public interest in the application.
TC	Following consultation with Councillors via email, may not respond to planning applications and to allow the consultation period to expire if Councillors do not wish to hold a meeting to discuss or offer comment
TC	If awarded a standard response for applications, this shall be: “Ensuring the implementation of adequate sewage and drainage infrastructure, this Council have no further comments for this application”.

Finance

Powers Awarded to (Role)	Delegated Functions
TC/RFO	Power to incur expenditure on revenue items on behalf of the Council up to the amounts included in the approved budget. Subject to adopted financial regulations
RFO	Will be responsible for all financial records of the Council and the careful administration of its finances and accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time and with the policies and procedures set by the Council and within the law.
RFO	Power to release any financial related report or document to the Council in discharge of the RFO responsibilities
RFO	Shall ensure the approved precept request is issued to the billing authority
TC/RFO	Powers of up to £500 in an emergency can be used in consultation with the Chairman.