



LUDGERSHALL TOWN COUNCIL

SCHEME OF DELEGATION

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (the Town Clerk) and Standing Committees to act with delegated authority in the specific circumstances detailed.

Proper Officer and Responsible Financial Officer - Duties and Powers

1. Responsible Financial Officer

1.1. The Clerk to the Council shall be the Responsible Financial Officer to the Council 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.

2. Proper Officer

2.1. 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 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
- Draw up agendas usually after consultation with the relevant Committee Chair
- Sign summons to attend meetings of the Council.

2.2. 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 an agreed budget
- 2.3. 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 its Committees

Duties and Powers

3. Council

- 3.1. 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 consideration being given to a recommendation from the Staffing Committee
 - Setting the Precept
 - Borrowing money
 - 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
 - Appointment of all Standing Committees
 - Matters of principle or policy including those recommended by the Finance and Policy Committee
 - Noting of all minutes approved by Committees

- Approval of application for Quality Status and/or its equivalent
- Nomination and appointment of representatives of the Council to any other authority, organisation or body
- Any proposed undertakings committing expenditure above £2500 and that are outside of Committee Budgets which may be a charge to General Reserves
- Responses to legislative and other allied consultations excluding those dealt with by the Planning Committee
- 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.
- Decisions with a view to the Council becoming eligible to exercise the General Power of Competence

3.2. Urgent matters:

- In the event of any matter arising which requires an urgent decision the Clerk to the Council shall forthwith consult with the Mayor and/or Deputy-Mayor
- Before the Clerk exercises the delegated powers granted by the above paragraph, those Members consulted shall consider whether the matter justifies summoning a Special Meeting of the Council or appropriate Committee
- Whenever any action is taken in this way, full details of the circumstances justifying urgent action shall be submitted in writing to the next available meeting of the Committee concerned and/or Council.

4. Committees and Sub Committees

4.1. The **Staffing Sub Committee** shall be delegated to make decisions on behalf of the Council in the following matters and will meet as necessary:

- Approval of its Minutes as true and correct records
- The recruitment and selection of all staff with the exception of the Town Clerk / RFO
- The short listing of applicants for the post of Town Clerk and RFO with applications circulated to all Councillors
- 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 legislation and terms and conditions of service for all employees as set out in the Employees Handbook produced in consultation with the Council's Employment Law Advisors. *(This incorporates those conditions 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))*
- To administer any discipline or grievance cases in accordance the Councils' adopted policies.
- Prosecution or defence in any Employment Tribunal proceedings
- To ensure all staff appraisals are being carried out in accordance with Town Council policy
- To ensure that the Town Chairman carries out an annual appraisal of the Town Clerk
- 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:

- Recommendation of the Committee's budget each financial year (if any)
- 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.

It is vital that the Council and Staffing Committee keeps confidential its deliberations and decisions around individual staff matters

5. Sub-Committees

- 5.1. 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.

6. Working Parties/Advisory Committees

- 6.1. Working Parties/Advisory Committees may be formed by resolution of the Council or a Committee at any time. The work of such a Working Party/Advisory Committee will be decided upon at the time it is formed by means of a minute detailing the Terms of Reference. Each Working Party/Advisory Committee will report back with recommendations to the Council or the Committee that formed it. A Working Party/Advisory Committee does not have decision-making powers. Non-Council members can be appointed to it. Its meetings are not open to the public.

7. 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. This does not apply to Working Parties/Advisory Committees

8. Attendance of Members at Committee meetings

- 8.1. 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 but is encouraged to do so. As a courtesy and if possible, a non-member is 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.
- 8.2. 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. With the exception of the Staffing Committee where personal and individual issues are discussed, Councillors who are non-members of a Committee that has passed a resolution excluding the press and public have an absolute right to remain in the meeting. If, in the opinion of the Staffing Committee, the item is of a particularly sensitive or confidential nature, they will be asked to leave. In such circumstances, non-member Councillors will only be allowed to remain if they can demonstrate a 'need to know' as defined in the cases of *R v City of Birmingham*

District Council ex parte O [1983] 1 AC 578 and R v Hackney LBC ex parte Gamper [1985] 1 WLR 1229. The decision of the Committee will be final.

9. Call-in policy

- 9.1. A member may call-in a decision taken by a committee under this scheme in accordance with the Terms of Reference of that committee.

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