



Scheme of Delegation

Introduction

The Town Council's Scheme of Delegation is an essential policy to enable the Town Council to function efficiently and effectively. Without this, every decision would have to be taken by the Full Council. Decision making powers are given to both committees and officers to enable the Town Council to react to circumstances and operate effectively. Powers cannot be legally delegated to individual Councillors or Working Parties. Working parties are ordinarily established to investigate and/or review a particular matter then report back to the relevant committee or Full Council with its findings, which may include recommendations.

Amble Town Council has 9 Councillor positions and holds monthly Full Council meetings on the second Thursday of each month, bi-monthly Amenities meetings and ad-hoc Planning meetings as and when required. Each meeting has their own terms of reference.

The Council retains overall responsibility for all fun actions and may withdraw delegation at any time.

Full Council

The following decisions are expressly reserved to Full Council in accordance with legislation:

1. Adoption or amendment of:
 - Standing Orders
 - Financial Regulations
 - Committee Terms of Reference
 - This Scheme of Delegation
2. Approval of the:
 - annual budget
 - precept (Local Government Finance Act 1992)
3. Borrowing, loan arrangements, investment strategy
4. Adoption of statutory policies
5. Acquisition or disposal of land or major assets
6. Creation or dissolution of committees
7. Co-option of councillors to fill vacancies (s.86 LGA 1972)
8. Adoption of Neighbourhood Plan or other statutory planning documents

9. Consideration of the Annual Governance and Accountability Return (AGAR)
10. Decisions that are:
 - ultra vires
 - politically sensitive
 - high financial value
11. monitor budgets and reserves
12. oversee risk management and internal controls (Accounts and Audit Regulations 2015)
13. award grants and donations within agreed limits
14. review fees and charges and recommend to Council
15. recommend the budget and precept
16. oversee policies and governance arrangements

Delegated Powers

Committees are appointed under s.102 Local Government Act 1972.

Committees:

- may incur expenditure within their approved budgets
- may appoint sub-committees
- must report decisions to Full Council
- shall operate under agreed Terms of Reference

Planning Committee

Delegated authority to:

- consider planning applications and submit comments to the Local Planning Authority (Town and Country Planning Act 1990)
- respond to consultations on planning policy
- make representations on highways and licensing matters related to planning

Other:

- a) All decisions as discussed at meetings will be recorded as “RESOLVED”.
- b) All planning applications in excess of 10 dwelling will automatically call for a planning committee to be held. Minor applications will be dealt with on a daily basis.
- c) Members will be notified of each planning application as received by NCC but it will be their individual responsibility to consider the details of each by accessing such on line via the NCC Planning Portal.

d) The Parish Council will have due regard to the Planning Framework and all material considerations when making appropriate comments and recommendations to the Local Planning Authority.

e) The Council shall make such observations and comments as it sees fit to the Local Planning Authority in respect of planning development control enforcement matters in the town.

Responsibilities Delegated to the Clerk

Proper Officer

The Town Clerk is designated and authorised to act as Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.

The Clerk is the Proper Officer under s.270(3) Local Government Act 1972 and is authorised to:

Administration & Governance

- issue agendas and summons (Schedule 12 LGA 1972)
- set the agenda with relevant and appropriate business related items
- sign notices, orders and statutory documents manage the day-to-day business of the Council respond to correspondence and requests for information, 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
- act as Data Protection Officer if appointed
- the management of open spaces and amenity areas,
- To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.

Financial Matters

The Clerk is also employed as the RFO and is authorised as follows:-

- To incur expenditure on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution.
- To accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:- • the cost not exceeding the amount of the approved estimate; • the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation; • All the requirements of the Council's Financial Regulations being complied with.
- To invest monies held by the Council in accordance with the Council's Investment Policy and in agreement with Full Council resolution.
- manage financial systems

- prepare accounts and statutory returns (Accounts and Audit Regulations 2015)
- manage internal audit processes

The Clerk/RFO is authorised to:

- authorise emergency health and safety expenditure up to £1000.
- authorise expenditure for smooth running of Council office £750.
- Incur and authorise other expenditure as appropriate

All such decisions must be reported where required.

Urgency

- a) The Clerk is authorised to act on behalf of the Council in cases of urgency or emergency.
- b) Any such action is to be reported to the next meeting of the Council
- c) The Chairman and Vice Chairman are to be consulted before such action is taken

In the absence of the Clerk, the full authority of the Proper Officer and Responsible Financial Officer passes to another Council officer with supervision from the Chair and Deputy Chair. Additionally, the Clerk may delegate to another officer 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 Amble Town Council Standing Orders, Financial Regulations, and this Scheme of Delegation

8. Delegation to Officers

Other officers / employees have delegated authority to:

- expenditure in line with Council business requirements and revenue budget subject to discussion with the Clerk
- monitor condition of Council assets and take appropriate action
- manage bookings and events
- Liaise with contractors and seek full comprehensive quotations from reputable contractors

Officers must act:

- within their job descriptions
- within budget
- under the Clerk's management

9. Delegation to Chairman / Mayor

- acts as civic head (s.15 Local Government Act 1972)
- chairs meetings of Council

Urgency

The Mayor/Chair may take urgent decisions in agreement with the Clerk where:

- a decision cannot reasonably wait until the next meeting, and
- failing to decide would prejudice the Council's interests

Urgent decisions shall

- be taken in consultation with the Clerk
- where appropriate, involve the relevant Committee Chair
- be reported to the next meeting of Full Council

10. Delegation to Vice Chair

- the Vice Chair may act in the absence of the Chair in consultation with the Clerk
- where appropriate, involve the relevant committee Chair
- report decisions to Full Council as soon as possible

11. Working Parties

- Working parties to be agreed by Full Council
- Working parties to be established with clear and defined purpose
- No decision making powers
- Recommendations must be taken to Full Council for discussion and approval
- Formal notes are not required. The Clerks attendance is not mandatory.