



## NANTWICH TOWN COUNCIL



### SCHEME OF DELEGATION

This Scheme of Delegation supplements the Town Council's Standing Orders and Financial Regulations.

The document has two main purposes:-

- to define the various delegated powers throughout the Town Council, including those delegated by the Town Council to its various committees. This element of the scheme incorporates the Terms of Reference of the committees.
- to clearly define the parameters within which Officers of the Town Council are able to act without reference to either their line managers or Members. Where consultation with others is a requirement of the ability to act, this is clearly set out.

Delegated Authority / Power is the formal approval by Town Council to an Officer or a Committee to act on the Town Council's behalf. Those officers with delegated responsibility are referred to by job title and therefore any changes in job titles will trigger a review of this scheme.

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## **COUNCIL**

Membership: All Councillors

Quorum: One third of the total membership.

Matters to be resolved only by Council

1. Adopting and changing the Council's Standing Orders, Financial Regulations, Scheme of Delegation and Powers and Duties of Committees;
2. Approving, adopting or making material changes to the Council's policy framework except in those matters specifically delegated to Policy Committee;
3. Approving the Council's Budget and the level of its precept levied on the Cheshire East Council;
4. Approving the end of year Accounts and Annual Return.
5. Authorising borrowings;
6. Incurring capital expenditure over and above the Council's approved budget.
7. approve any grant or a single commitment in excess of [£5,000];
8. Setting the number of Committees, and the names and number of Members appointed to each Committee.
9. Determining the functions and constitution of Committees and Sub-Committees.
10. Setting the dates of routine meetings of the Council and its Committees.
11. Filling of Member vacancies occurring on any Committee or Council
12. Appointing Council representatives to outside bodies;
13. Confirming the appointment or dismissal of the Town Clerk
14. Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation;
15. The Council has ultimate responsibility to ensure financial balance and probity.
16. All other matters which must, by law, be reserved to the full Council.
17. Approving the adoption of the Council's Corporate Plan
18. Approval of the application for the Local Council Award Scheme
19. Decision to adopt the General Power of Competence
20. The appointment of the Town Clerk and Deputy Clerk taking into account the advice of the Staffing Committee/Appointment Panel.
21. Prosecution or defence in a Court of Law other than an Employment Tribunal.

22. In respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the Staffing Committee in accordance with its terms of reference

Safeguards

1. The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a Committee or Officer.
2. Matters delegated to Committee may be referred to full Council at the request (written or verbal) of two Members of the Council prior to the resolution of the matter.
3. In liaison with the Town Clerk, the Committee Chair have the authority to cancel or postpone a meeting owing to lack of business or in an emergency.

## **POLICY COMMITTEE**

1. Membership of the Committee shall be determined by the Council at the Town Council's Annual Meeting, generally held in May each year.
2. The Committee shall consist of such number of Councillors as the Council may determine, normally seven. The Mayor shall sit on the Committee as an ex-officio member.
3. The Chair and Vice Chair of the Committee will be appointed by Council.
4. Meetings of the Committee shall be held in each year on such dates and times and at such place as the Council may direct.
5. The Committee shall consider any other matters which do not fall within the scope of any other Committee.
6. The Committee shall undertake the following functions:-
  - (a) To review the effective operation of the Council, its policies and procedures.
  - (b) To agree an annual Risk Assessment of Council services, business and assets.
  - (c) To report on any investigation initiated by the Council.
  - (d) To consider matters of policy relating to Council premises and land.
  - (e) To act on behalf of the Council in discussions and negotiations with Cheshire East Council and other third parties in regard to the transfer and devolution of services or facilities and making recommendations to the Council as to the action it might take in that regard.
  - (f) To consider planning applications, licensing applications and street naming proposals and to make conclusive observations on behalf of the Council.
  - (g) To consider planning policy documents issued by the local planning authority and other bodies and to make conclusive observations on behalf of the Council.
  - (h) Consider the benefits and disadvantages of producing a Town Plan or Neighbourhood Plan and making recommendations to the Council thereon.
  - (i) To deal with any matter not falling to other committees.
  - (j) To review the Corporate Strategy and the implementation of its actions
  - (k) An overview of all Service Level Agreements with partner public bodies, in conjunction with other committees as appropriate.
  - (l) Recommend to the Finance Committee the committee's budget proposals for each financial year.

In carrying out its purposes, the Committee shall have delegated power to authorise the engagement of consultants, professionals and other advisors, incurring costs not exceeding £5,000 in any one contract without recourse to the Council, provided that there is an identifiable sum set aside in the Councils budget. In all instances the Council reserves to itself the right to consider and determine any policy matter without it being first considered by the Policy Committee.

## **FINANCE COMMITTEE**

1. Membership of the Committee shall be determined by the Council at the Town Council's Annual Meeting, generally held in May each year.
2. The Committee shall consist of such number of Councillors as the Council may determine, normally seven. The Mayor shall sit on the Committee as an ex-officio member.
3. The Chair and Vice Chair of the Committee will be appointed by Council.
4. Meetings of the Committee shall be held in each year on such dates and times and at such place as the Council may direct.
5. The Committee shall consider matters relating to the finances of the Council which require detailed discussion or examination and to make recommendations to Council on any action or resolution considered necessary.
6. By way of example, but not limitation, the type of matters the Committee may consider are:-
  - a. Review of Financial Regulations, including regulations relating to contracts
  - b. Insurance and Indemnities
  - c. Banking and investment policies and practice
  - d. Arrangements for receipts and payments, including signing and authorisation of cheques
  - e. Authorisation of the schedule
  - f. Internal and External Audit
  - g. Detailed examination of accounts and budget
  - h. Review and recommendations for Fees, charges and rents payable both to and by the Council
  - i. Preparation of the Council's annual budget
  - j. Virements within the current budget
  - k. Borrowing proposals
  - l. Tenders
  - m. The maintenance of the fixed asset register
7. To present to the Council draft budget proposals in accordance with a timetable approved by the Council preceding the year under consideration.
8. To present to the Council as part of the budget process recommendations for grants, awards and donations for the following financial year
9. To recommend the Council's annual precept for the approval of full Council.

10. To present, to the Council, after consideration by Policy Committee, details of future projects which may require financing outside agreed budgets.
11. To consider, in such manner as it may decide, applications for Community grants and Capital grants submitted in accordance with the terms and conditions for grants and awards settled by the Council. It shall also consider applications or requests for other awards, grants or contributions referred to it by the Council.
12. The Committee shall have delegated authority to conclusively decide applications for Community grants for sums of £5,000 or less and applications for Capital grants for sums of £5,000 or less. It shall make recommendations to the Council in respect of other grants. Even where it has delegated authority, it may decide to make a recommendation only to Council.
13. In respect of grants which it is entitled to decide, the Committee may attach such conditions, time limits or other requirements as it may determine. In respect of grants which it recommends to the Council, it may recommend such conditions, time limits or other requirements as it considers appropriate.
14. In respect of applications or requests before it, the Committee shall be entitled to award or recommend any sum (including nil) as it considers appropriate, notwithstanding the amount of the application.

In all instances the Council reserves to itself the right to consider and determine any financial matter without it being first considered by the Finance Committee.

## **STAFFING COMMITTEE**

1. Membership of the Committee shall be determined by the Council at the Town Council's Annual Meeting, generally held in May each year.
2. The Committee shall consist of such number of Councillors as the Council may determine, normally six. The Mayor shall sit on the Committee as an ex-officio member.
3. The Chair and Vice Chair of the Committee will be appointed by Council.
4. Meetings of the Committee shall be held in each year on such dates and times and at such place as the Council may direct.
5. The purpose of the Committee shall be to:-
  - (a) To deal with all staffing matters not the responsibility of officers, including the appointment of the Town Clerk and the management and approval of TUPE transfers and other issues arising from any transfer or devolution of premises and services from Cheshire East Council, making recommendations to Council as appropriate.
  - (b) Consider and conclusively determine any staff grievances, appeals or complaints in accordance with Conditions of Service, Procedures or Codes adopted by the Council.
  - (c) Exercise and conclusively determine on behalf of the Council, disciplinary procedures involving the Town Clerk or any other senior officer of equivalent pay scale and responsibilities.
  - (d) Consider, and recommend to Full Council or otherwise, any applications for re-grading or merit awards or similar by the Town Clerk or senior officers and any recommendations made by the Town Clerk or senior officers for staff under their supervision or control.
  - (e) Salaries and other remuneration and similar payments (e.g., pensions)

### NOTE For the avoidance of doubt:-

- a) The Town Clerk and Deputy Clerk will be appointed by the Council.
- b) The Town Clerk and Senior Officers will appoint more junior staff.
- c) The Town Clerk and Senior Officers will have responsibility for the appointment of casual and temporary staff within the approved budget.
- d) The Town Clerk and Senior Offices will determine the detail of job descriptions.
- e) The Town Clerk and Senior Officers will have responsibility for allocating staff to relevant duties to ensure that Town Council services are delivered economically and efficiently.
- f) The Town Clerk and Senior Officers will make recommendations to the Staffing Committee for re-grading or awards and will exercise disciplinary action.

## **TENDERS SUB-COMMITTEE**

1. Membership of the Sub-Committee shall be determined by the Council at the Town Council's Annual Meeting, generally held in May each year.
2. The Sub-Committee will report to Finance Committee in most circumstances and will comprise 3 members:-
  - The Mayor of the Council
  - The Chair of the Finance Committee
  - The Chair of the Policy Committeeor such Councillors as the Council may determine.
3. The Committee will be chaired by the Mayor.
4. Meetings of the Sub-Committee shall be held in each year on such dates and times and at such place as the Council may direct.
5. The Sub-Committee will consider tender documents issued in accordance with Clause 11.1 (vi) of the Councils' Financial Regulations for the procurement of goods and services above £25,000.
6. The Sub-Committee will open submitted tenders.
7. To recommend acceptance of a tender and supplier / contractor to Finance Committee or Council.

In all instances the Council reserves to itself the right to consider and determine any matter relating to tenders without it being first considered by the Tender Sub-Committee or Finance Committee.

## **Delegation to Officers**

### **Town Clerk / Responsible Finance Officer (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. As the Responsible Financial Officer (RFO) the Town Clerk shall be responsible for the proper administration of the Council's financial affairs. The RFO shall also be responsible for the production of financial management information.

### **Mayoral support**

The Town Clerk will ensure publicity for Mayoral activities, Mayor's charity events and the "Salt of the Earth" awards.

### **General Matters**

The Town Clerk is authorised:-

1. to sign on behalf of the Council any document necessary to give effect to any decision of the Council,
2. 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,
3. to institute, defend and appear in any legal proceedings authorised by the Council,
4. to appear or make representation to any tribunal,
5. to alter the date or time of a Council / Committee meeting after consultation with the Mayor / Chairman,
6. to decide arrangements for the closure of the Council offices in the Christmas/New Year period, subject to consultation with the Mayor,
7. to manage, or delegate the management of, the Council's facilities and assets, including Nantwich Civic Hall, Nantwich Market Hall, , Farmers' Markets, events on Nantwich Square, public toilets and allotments.
8. to act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
9. to act as the Council's designated officer for the purposes of the General Data Protection Act 2018.
10. to act as the Council's Proper Officer as per section 281 Local Government Act 1972.
11. To act as the Council's Responsible Finance Officer by virtue of section 151 of the Local Government Act 1972
12. to delegate responsibility to the Facilities Manager of Deputy Town Clerk as appropriate.

### **Financial Matters**

The Town Clerk is authorised as follows in accordance with Financial Regulation 11.1:-

1. 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.
2. To authorise all day-to-day maintenance and running expenses for which there is budgetary provision and any expenses urgently required for purposes of maintaining health or safety.
3. To authorise expenditure up to £1,000 without quotations provided best value can be demonstrated and comparative quotes obtained where practicable.
4. To authorise expenditure between £1,001 and £5000 where 3 quotations have been obtained
5. To authorise expenditure between £5001 and £24,999 providing at least 3 quotations have been obtained.
6. To use the repairs and maintenance budgets for the maintenance, replacement or

- repair of existing property or equipment.
7. To recommend to the relevant Council / committee quotations or tenders for worksupplies or services (where tenders are required by the Council's Financial Regulations), subject to:-
- i) the cost not exceeding the amount of the approved budget;
  - ii) the tender being the lowest or the one showing best added value to the Council according to the criteria set out in the tender documentation;
  - iii) all the requirements of the Council's Financial Regulations being complied with.
8. To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.
9. To recommend to the relevant Council / committee on investing monies held by the Council with a view to obtaining the optimum financial return.

The RFO may, in consultation with the Mayor of the Council, incur expenditure on behalf of the Council which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is budgetary provision for the expenditure. The RFO shall report the action to the Council as soon as is practicable thereafter.

### **Staffing Matters**

The Town Clerk, with the assistance of the Facilities Manager and Deputy Clerk, is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:-

- a) The appointment of junior staff.
- b) Responsibility for the appointment of casual and temporary staff within the approved budget.
- c) Determination of the detail of job descriptions.
- d) Responsibility for allocating staff to relevant duties to ensure that Town Council services are delivered economically and efficiently.
- e) Recommendations to the Staffing Committee for re-grading or awards and the exercise of disciplinary action.
- f) The control of staff performance and discipline and performance, including the power of suspension and dismissal, in accordance with the policies set by the Staffing Committee and approved by Council.
- g) The payment of expenses and allowances in accordance with the Council's scheme;
- h) the presentation to the Staffing Committee of guidance on recommendations for employees' salary reviews, in accordance with the Council's staff appraisal system.

### **Property Matters**

The Town Clerk is given authority to manage the land and property of the Council including:-

- 1) agreeing the terms of any lease, licence, conveyance or transfer approved by Council including the allocation of allotment plots
- 2) the granting or refusal of the Council's consent under the terms of any lease;
- 3) variations of restrictive covenants of a routine nature;
- 4) recommending to Council on the granting of easements, wayleaves and licenses over Council land;
- 5) initiating legal action or proceedings against unauthorised encampments on Council land.

## **Urgency**

The Town Clerk is authorised to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council or relevant committee. The Mayor and the Chairman of any relevant committee are to be consulted before such action is taken.

## **Facilities Manager**

The Facilities Manager is authorised to:

- 1) be responsible for day to day operational running of Nantwich Civic Hall and Nantwich Market including
  - managing and approving bookings and licences in accordance with Council policy
  - collection of revenue
  - implementation of health and safety procedures
  - and publicity
- 2) approve advertising stalls on Nantwich Square
- 3) deliver a programme of events across the year both directly and with partners within the agreed budgets approved by Council
- 4) liaise with Nantwich in Bloom, Nantwich Civic Society, Nantwich Litter Action Group Cheshire East Borough Council and other bodies to maintain and enhance Nantwich as an attractive and vibrant town including the promotion of events, the visitor economy and street entertainment.
- 5) delegate relevant tasks to more junior staff as appropriate

## **Deputy Town Clerk**

- 1) be responsible for the running of the Tourist Information Centre
- 2) maintain suitable website, press and social media systems to promote the use of Council facilities and the town as a tourist destination.
- 3) promote Nantwich as a tourism and event destination.
- 4) liaise with local tourist providers regarding the promotion of local tourist attractions and events.
- 5) liaise with retailers and the Chamber of Commerce
- 6) In the absence of the Town Clerk, to act as the Proper Officer and Responsible Finance Officer with all the delegated authority awarded the role of the Town Clerk.