



## **Scheme of Delegation**

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (which may be one and the same person), Standing Committees and Sub- committees of the Council to act with delegated authority in the specific circumstances detailed.

### **1. Discharge of the scheme**

- 1.1 The Town Clerk is designated and authorised to act as the 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.
- 1.2 This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders and will be reviewed annually and when there are staffing changes.
- 1.3 Those with delegated responsibility are referred to by job title, Town Clerk (Proper Officer).
- 1.4 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.
- 1.5 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.
- 1.6 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.

### **2. Principles of delegation**

- 2.1 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.
- 2.2 Any delegation to a Committee or the Proper Officer shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and with the law.
- 2.3 Where the Town Clerk is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chair of the Council and must ensure that they obtain appropriate legal, financial, and other specialist advice before action is taken.

### **3. Responsible Financial Officer**

- 3.1 The Responsible Financial Officer 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.
- 3.2 The Responsible Financial Officer will have the power to release any financial related report or document to the Council in discharge of the Responsible Financial Officer responsibilities.
- 3.3 The Responsible Financial Officer shall ensure the approved precept request is issued to the billing authority.
- 3.4 The Responsible Financial Officer may incur expenditure on revenue items on behalf of the Council up to the amounts included in the approved budget, stated in the Financial Regulations and/or approved at a Full Council meeting.

### **4. Proper Officer**

- 4.1 The Town Clerk 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 from Councillors disclosing interests;
  - Receive and retain plans and documents;
  - Sign Notices or other documents on behalf of the Council;
  - Receive copies of By-laws made by the Unitary Council;
  - Certify copies of By-laws made by the Council;
  - Sign and issue summonses to attend meetings of the Council.
  - Give public notice of the time, place and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them)
  - Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office
  - In the case of an emergency, the Clerk shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Chair (if practicable in the circumstances).
  - 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 and councillors.
  - The Proper Office is the line manager for all staff employed by the Council and is given delegated powers to manage the council staff in accordance with the Council's policies, procedures, and budget.
  - Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council.
  - Power to release press statements on any activities of the Council subject to prior consultation with the Chair.
  - Power to act on own initiative to implement the Council's policies and objectives.
  - Power to take appropriate steps to ensure the Council does not exceed its powers.
  - Power to manage all the Council's facilities and resources in accordance with the Council's

policies.

- The Proper Officer may be appointed specific delegated powers at Council/Committee meetings and this will be recorded on a spreadsheet.

- 4.2 Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.
- 4.3 Under the Local Government Act 1972, section 117 the Town Clerk must make a formal declaration about council contracts which they have a financial interest.
- 4.4 Where the Town Clerk 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.

## 5. Council

- 5.1 The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration.
- Borrowing money;
  - Approving the budget
  - Setting the precept
  - Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
  - Making, amending or revoking By-laws;
  - Making of Orders under any Statutory powers;
  - Matters of principle or policy.
  - Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings);
  - Any proposed new undertakings;
  - Prosecution or defence in a court of law;
  - Nomination or appointment of representatives of the Council at any inquiry on matters affecting Horsforth, excluding those matters specific to a committee;
  - Approving the annual return;
  - Confirming eligibility to exercise the General Power of Competence

## 6. Standing Committees

- 6.1 The **Finance and General Purposes Committee** shall be delegated to make decisions on behalf of the Council in the following matters:
- Financial matters
  - Grants and Donations
  - To make recommendations to Council on the Budgets of all Committees
  - All matters relating to Staff, based on recommendations made. This Committee may decide that it wishes to refer such matters to the Council for final decision, subject to the matters reserved for final decision for legal reasons.
  - General Administration
  - Community Safety
  - Council policies
  - Complaints
  - Any other matter which may be delegated to it by the Council from time to time.

The following matters are reserved to the Council for decision but the Committee may make recommendations:

- Setting the Budget and Precept

The Committee may refer specific matters to the Council for a final decision if it so wishes.

6.2 The **Community and Environment Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

- Horsforth Matters
- Maintenance and repair of all the assets owned by the Council
- Environmental Matters
- Town floral displays
- Grants and Sponsorship
- Events
- Good Citizen and Young Achievers Award
- Band concerts
- Festive lights and motifs
- Improving services and facilities in the Town

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.
- Any funding required outside of the set budget in any given financial year.
- Any other matter which may be delegated to it by the Council from time to time.

6.3 The **Planning, Licensing and Traffic Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

- To comment on planning applications received from the Planning Authority
- Licensing Matters
- Planning appeals
- Any other matter which may be delegated to it by the Council from time to time
- To comment on behalf of the Council on Local Plans, Structure Plans, Mineral Plans, Waste Plans, Regional Plans and any other Plans or Studies as considered appropriate.
- Neighbourhood Plan
- Footpaths and Bridle Ways
- Traffic management, road safety, transport and highways schemes

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.

6.4 The **Staffing and Employment committee** shall be delegated to make decisions on behalf of the Council in the following matters:

- Hearings for Grievance, Disciplinary and Capability matters in accordance with the

Councils Grievance and Disciplinary Procedure.

- Dealing with any Grievance, Disciplinary and Capability matters to a final conclusion, only reporting to Council when the time for any Appeal has passed.
- Appraisal of the Town Clerk.
- Staffing matters including recruitment, appraisals, staffing reviews, salaries
- Health and safety
- Recruitments
- Staffing reviews
- Salaries
- Staffing policies and procedures
- Training

The following matters are reserved to the Council for decision, but the Committee may make recommendations:

- Setting the Budget and Precept
- Approval of salaries

It is vital that the Committee keeps confidential its deliberations and decisions in cases of Grievance, Disciplinary and Capability hearings, because if an Appeal against a decision is received it must, legally and in the interests of fairness, be heard again by elected members with no prior knowledge of the case.

In order to ensure as far as possible that such matters as Appraisal, Grievance, Disciplinary and Capability issues are dealt with professionally and in accordance with Employment legislation, all members of the Committee must agree to undertake training in these matters.

- 6.5 There are no other Committees but they may be formed by resolution of the Council at any time and delegated powers may be decided upon at the time the Committee is formed by means of a Minute detailing the Terms of Reference.

## **7. Sub-Committees**

- 7.1 The **Complaints and Grievance Sub-Committee** shall have fully delegated powers to resolve any complaint, grievance or concern which has been raised and report its actions to the next meeting of F&GP Committee meeting.

## **8. Working Groups/Parties**

- 8.1 Working Groups/Parties may be formed by resolution of the Council or a Committee at any time. The work of such a Working Group/Party will be decided upon at the time it is formed by means of a Minute detailing the Terms of Reference. Each Working Group/Party will report back with recommendations to the Council or the Committee that formed it. A Working Party does not have delegated powers.

## **9. Delegation - Limitations**

- 9.1 Committees, Sub-Committees and Working Groups shall, at all times, act in accordance with the Councils Standing Orders, Financial Regulations and this Scheme of Delegation and, where

applicable, any other rules, regulations, schemes, statutes, By-laws or orders made and with any directions given by the Council from time to time.

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