



**CYNGOR CYMUNED YR YSTOG  
CHURCHSTOKE COMMUNITY COUNCIL**

2 Rows Terrace, Plough Bank, Montgomery, Powys. SY15 6QD

Clerc i'r Cyngor | Clerk to the Council: E J Humphreys MA Oxf, FdA, FSLCC

**SCHEME OF DELEGATION**

This Scheme of Delegation was first adopted by the Council at its Annual Meeting on 30<sup>th</sup> May 2018 and reviewed/amended at each subsequent Annual Meeting.

**1.0 The Principle of the Scheme of Delegation**

1.1 This Scheme of Delegation authorises the Proper Officer (the Clerk) and Responsible Financial Officer, Standing Committees and Sub-Committees of the Council to act with delegated authority in the specific circumstances.

**2.0 Proper Officer**

2.1 The Clerk shall be the Proper Officer of the Council for any purpose in respect of which a proper officer is mentioned in any statute [except for any purpose as is mentioned in Standing Orders]<sup>1</sup> and as such is specifically authorised to:

- i. To receive and retain declarations of acceptance of office
- ii. To receive and record notices disclosing personal and prejudicial interests
- iii. To receive and retain plans and documents
- iv. To sign notices or other documents on behalf of the Council (this includes declarations and notices required by law), except those requiring prior authorisation by Council which must first receive said prior authorisation
- v. To receive and retain copies of by-laws made by the unitary authority
- vi. To certify copies of by-laws made by the Council
- vii. To sign summonses to attend meetings of the Council
- viii. 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)
- ix. Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office
- x. To keep proper records for all Council meetings.

2.2 In addition, the Clerk has the delegated authority to undertake the following matters on behalf of the Council

- i. To oversee and manage the day to day administration of services, facilities and assets together with routine inspection and control
- ii. To take responsibility for day to day implementation of the council's Health and Safety Policy and to require that all councillors, employees and others engaged by the council observe the council's safety rules
- iii. To employ or commission the services of a competent person with sufficient training and experience or knowledge and other qualities that allow them to assist with preparation, implementation and monitoring of the council's health and safety policy/policies
- iv. Manage the staff professional development and the training budget
- v. Authorisation of other routine expenditure within the agreed budget

<sup>1</sup> Claydon, Paul (2018) Charles Arnold Baker on Local Council Administration 11th Edition. London LexisNexis, p83

- vi. Emergency expenditure up to £1,000 outside the agreed budget
  - vii. To make routine resourcing decisions, where time impact is less than a day or cost is less than £250, and it is in the public interest to do so, with relevant reporting back at a future Council meeting
  - viii. To institute, defend and appear in any legal proceedings authorised by the Council
  - ix. To appear or make representations to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the residents of Churchstoke community)
  - x. To sign the terms of any lease, licence, conveyance or transfer
  - xi. The granting of easements, wayleaves and licences over Council land
  - xii. Variations of restrictive covenants of a routine nature.
  - xiii. Where the council operates a car parking service or permits, to consider car parking appeal letters and decide whether to pursue the payment of any Excess Charge Tickets
  - xiv. To determine the Council's accounting system and the form of the accounts and supporting accounting records
  - xv. The proper administration of the Council's Financial Regulations and submitting revisions to the Council for approval
  - xvi. To make decisions on behalf of the Council, Committees or Subcommittees in circumstances where Council, Committees or Subcommittees would normally convene to make the decision but are exceptionally unable to do so
  - xvii. To issue press and media statements and deal with enquiries by members of the press or media
  - xviii. To act in the capacity of Allotments Manager
  - xix. To act in the capacity of Cemetery Manager
  - xx. To make applications for project and grants funding
  - xxi. In the event of meetings being temporarily suspended, in order to enable the Council to fulfil its essential responsibilities the decisions of Council/ Committees/ Subcommittees are delegated to the Town Clerk or senior officers after reference to the Mayor or Committee/ Subcommittee Chairs (Deputies if Mayor/ Chairs are unavailable). Such decisions are to be recorded and reported to Council or appropriate Committees/ Subcommittees.
- 2.3 To act as the Council's designated officer for the purpose of the Freedom of Information Act 2000
- 2.4 Delegated actions of the Clerk shall be in accordance with Standing Orders, Financial Regulations, Contracts and Procurement Regulations, and this Scheme of Delegations and with directions given by the Council from time to time.

### **3.0 Council**

- 3.1 The following matters are reserved to the Council for decision, notwithstanding that the appropriate committee(s) may make recommendations for the Council's consideration:
- i. Setting the Precept and Budget
  - ii. Variations to the Council Budget
  - iii. The power of incurring capital or reserves expenditure not specifically included in the Council's annual budget
  - iv. Approval of local lottery schemes
  - v. Borrowing money
  - vi. Consideration of the auditor's report
  - vii. Approval the corporate risk assessment
  - viii. Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
  - ix. Making, amending or revoking by-laws or making of orders under any statutory powers

- x. Matters of corporate principle or strategic or plan or policy
- xi. Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings)
- xii. Any proposed new undertakings
- xiii. Prosecution or defence in a court of law
- xiv. Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to a committee
- xv. Determining the Council's' Committee structure
- xvi. Election to Committees
- xvii. Election to positions of Special Responsibility
- xviii. Elections to Outside Bodies
- xix. Election of Chair, Vice-Chair
- xx. Co-Option to the Council
- xxi. Co-Option or Appointment of Community Youth Representatives if council operates such a scheme
- xxii. Dates of pre-scheduled meetings of the Council and Committees
- xxiii. Adoption of the Code of Conduct
- xxiv. Any other matters which must, by law, be reserved to the full Council.

#### **4.0 Committees Sub-Committees Project or Working Task Groups**

- 4.1 Delegated powers and decisions made by the committees and subcommittees are determined by the Terms of Reference for each committee or subcommittee.
- 4.2 Any recommendation made by a committee will be referred to the Council. Any recommendation made by a subcommittee, project/working/task group will be referred to its appointing body.
- 4.3 All decisions taken by Committee or Subcommittee which have full delegated powers will be recorded as "RESOLVED".
- 4.4 All recommendations by Committee or Subcommittee or project/working/task groups will show as "RESOLVED RECOMMENDED".
- 4.5 Other standing sub-committees may be formed by resolution of the Council at any time and delegated powers may be decided upon at the time the sub-committee is formed by means of a minute detailing the terms of reference
- 4.6 Working groups/parties may be formed by resolution of the Council or a committee or subcommittee 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 or subcommittee that formed it.

#### **5.0 Urgent Matters**

- 5.1 In the event of any matter arising which requires an urgent decision the Clerk shall consult the Chair (and may consult the Vice-Chair or Committee Chairs) and with the concurrence of those member(s) shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
- 5.2 Before exercising the delegated powers granted by paragraph above, the Clerk and those members consulted shall consider whether the matter is of sufficient interest to justify the summoning of a special meeting of the appropriate committee and where a meeting is so summoned the committee concerned shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration
- 5.3 Before exercising the delegated powers granted by paragraph (1) above, the committee concerned shall consider whether the matter is of sufficient import to justify recommending to the Chair that a special meeting of the Council should be called in accordance with Standing Orders.
- 5.4 Any action is taken under this section must be reported with full details of the circumstances justifying the urgency and of the action taken to the next available meetings of the Committee concerned and of the Council.

## 6.0 Delegation – Limitations

6.1 Committees and Sub-committees and Proper Officer shall, at all times, act in accordance with Statute, the Council's 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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*End*