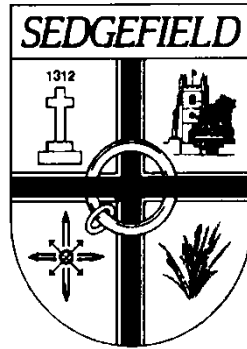


# Sedgefield Town Council



## **DELEGATION SCHEME – Relating to the Proceedings and Business of the Council**

(TO BE READ IN CONJUNCTION WITH THE FINANCIAL REGULATIONS)

*Passionate* about Sedgefield

north east  
england

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# SEDGEFIELD TOWN COUNCIL DELEGATION SCHEME

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**This Delegation Scheme was adopted by the Full Council on 16<sup>th</sup> May 2022 and will be reviewed in April 2023 in order that it can be presented for adoption at the Annual General Meeting of the Town Council in May 2023.**

## **1. INTRODUCTION**

- 1.1. Sedgefield Town Council has 15 Members and meets on a monthly basis – ‘Monthly Meeting’.
- 1.2. This affirms recommendations from the Committees and also deals with Planning Applications.
- 1.3. Includes six principal Committees:
  - Policy & Resources
  - Environment
  - Community Development & Engagement
  - Personnel
  - Sedgefield Extra
  - Community Chest

## **2. POLICY AND RESOURCES (P&R) COMMITTEE:**

- 2.1. This consists of all Members of the Town Council and has delegated powers to make resolutions on behalf of the Town Council.
- 2.2. The Chair and Vice Chair are elected at the Annual Meeting of the Council.
- 2.3. It meets on a monthly basis – immediately following the Monthly Meeting.

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2.4. It deals with the following:

- Finance and Audit
- Council Assets/Estate
- Policy

### 3. PERSONNEL COMMITTEE

3.1. Delegation:

Sedgefield Town Council agreed to adopt the Personnel Committee Terms of Reference at the P&R meeting held on 9<sup>th</sup> September 2013, and has recorded the decision under Minute Item 10.

3.2. Membership:

The Committee shall consist of six Councillors as below and have delegated powers to make resolutions on behalf of the Town Council.

Members of the Committee will be made up of the following Councillors:

- Chair and Vice Chair of the P&R Committee (Note: where either one of these roles is also held by the Chair of the Council then the Chair of the Council will not be a member of the Personnel Committee as they are automatically Chair of the Appeals Committee. In such instances an alternative Councillor needs to be identified to take on the role of Chair or Vice Chair of the Personnel Committee as required)
- Plus 4 additional Members as agreed
- The quorum of the Personnel Committee will be 3 Members
- The Chair of the Council will not be a member of the Personnel Committee as they are automatically Chair of the Appeals Committee.

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3.3. Procedures:

The Committee will operate within Sedgefield Town Council's Standing Orders and Local Government Law.

The Chair and Vice Chair of this Committee will be the Chair and Vice Chair of the P&R Committee as elected each year at the Annual Meeting of the Council.

The Committee will submit all its minutes of meetings for ratification to the next Monthly meeting of the Town Council.

The Town Clerk will provide administrative support for the Committee.

3.4. Meeting Dates:

The dates of the meetings of the Personnel Committee will be agreed as required in accordance with the issues being handled and reported to the relevant Monthly Meeting of the Council.

3.5. Committee Functions:

The Committee shall:

- Advise the Council on all human resources matters of the Council.
- Consider the annual pay awards for all staff employed by the Council and make appropriate recommendations to the Council.
- Consider all matters relating to the probationary periods of all new employees.
- Liaise with external sources, i.e. NALC, CDALC and DCC, where appropriate to obtain advice, guidance and information when required.
- Advise the Council on the appointment of all employees.
- Consider and make recommendations to Council in respect of terms and conditions of employment, grading, salaries and allowances for employees of the Council.
- Advise the Council on terminating the employment of employees of the Council on disciplinary grounds subject to the terms and conditions of service of the employee.
- Advise the Council on terms and conditions of employment including Disciplinary Rules and Procedures, and Grievance Procedures.

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3.6. Disciplinary Appeals Panel:

The Disciplinary Appeals Panel will be empowered to consider an appeal by any employee of the Council referred to it in accordance with the appropriate Disciplinary Rules and Procedures on behalf of, in the name and without further reference back to the Council or a Committee of the Council, and to endorse, rescind or amend the original decision on disciplinary action as it sees fit.

The Disciplinary Appeals Panel will be made up of Members elected at the Annual Meeting of the Council.

Members of the Disciplinary Appeals Committee will NOT be Members of the Personnel Committee.

**4. ENVIRONMENT COMMITTEE**

4.1. This consists of those Members of the Town Council as nominated at the Annual Meeting.

4.2. The Chair and Vice Chair are elected at the Annual Meeting of the Council.

4.3. It does not have delegated powers to make resolutions on behalf of the Town Council, but makes recommendations for endorsement at the Monthly Meeting.

4.4. It meets on a monthly basis on the third Monday of each month.

4.5. It deals with:

- Open spaces
- Cemetery and closed churchyards
- Allotments

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## **5. COMMUNITY DEVELOPMENT AND ENGAGEMENT COMMITTEE**

- 5.1. This consists of those Members of the Town Council as nominated at the Annual Meeting.
- 5.2. The Chair and Vice Chair are elected at the Annual Meeting of the Council.
- 5.3. It does not have delegated powers to make resolutions on behalf of the Town Council, but makes recommendations for endorsement at the Monthly Meeting.
- 5.4. It deals with:
- Community events
  - Play areas
  - Community affairs
- 5.5. It meets on a monthly basis on the third Monday of each month.

## **6. SEDGEFIELD EXTRA COMMITTEE**

- 6.1. This consists of all Members who wish to be involved.
- 6.2. The Chair and Vice Chair are elected at the Annual Meeting of the Council.
- 6.3. The remit is to provide and publish the Sedgefield Extra four times per year and any other publications as agreed by Council. As a general guide The Sedgefield Extra publications will be prepared for distribution in early February, June, September and November. These dates can be changed by agreement of P&R Committee if required.
- 6.4. Provision of expenditure will be included within the Town Council's Annual Expenditure Budget.

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- 6.5. It has delegated powers to produce the Sedgefield Extra without ratification from Full Council.
- 6.6. Meets as and when necessary to produce the 4 issues of the Extra and any other publications as agreed by Council.

**7. COMMUNITY CHEST COMMITTEE**

- 7.1. The Committee has delegated powers to agree all applications for funding.
- 7.2. The Committee will be open to all Members of the Town Council.
- 7.3. The Chair and Vice Chair of the Committee will be elected at the Annual Meeting of the Council.
- 7.4. Frequency, location(s) and format of meetings:  

The dates of the meetings of the Committee will be agreed between the Chair and Town Clerk when appropriate funding applications have been received.

Agendas, applications and related papers will be circulated with the relevant monthly cycle of papers.

**8. DELEGATED POWERS**

- 8.1. All decisions as discussed at the Monthly Meeting and P&R Committee which have full delegated powers will be recorded as **“RESOLVED”**.
- 8.2. The Personnel Committee, Sedgefield Extra Committee and the Community Chest Committee also have delegated powers to make decisions within their own terms of reference. In the interest of probity and to ensure transparency and a clear audit trail, any decisions which have a financial and/or corporate impact will be presented to the P&R Committee for **“RATIFICATION”** and recorded as **“RESOLVED”**.

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- 8.3. At all other Committees and Working Group meetings (see Section 9), the minutes will show the decision as “**RECOMMENDED**”.
- 8.4. Minutes of all Committees will then be brought to the Council’s particular attention by the Chair of the Committee at the next Monthly meeting of the Council when seeking approval and adoption of the Committee’s minutes.
- 8.5. In any case where a Committee / Working Group Chair and Vice Chair are either unsure whether or not any matters falls within delegated powers, or whether or not any matter should be determined by them, they should refer that matter to the next highest level of decision. A power delegated does not always have to be exercised.

## 9. WORKING GROUPS

- 9.1. The Town Council operates a number of Working Groups. These Groups comprise of Councillors who nominate themselves at the Council’s Annual Meeting. Each Working Group has its own terms of reference and the purpose of each is to investigate and research matters and take recommendations back to the appropriate Council Committee. Working Groups do not make decisions on behalf of the Council unless they have been delegated appropriate powers which would be recorded clearly in Council minutes. Working Group meetings take place as required and operate in accordance with Council procedures in that agendas and reports and issued in advance and minutes kept of all meetings which are then presented to the following Monthly Meeting for approval. Each Working Group appoints a Chair annually at their first meeting following the Council’s Annual Meeting. The purpose of the Working Group system is to make Council Committee meetings more effective. The Town Council operates the following Working Groups:
- Butterwick Road Cemetery Working Group (purpose to assist with the Council’s project to expand Butterwick Road Cemetery. Note: This will be a task and finish group which will disband when this project has been achieved albeit this will be some years ahead);

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- Estates Working Group (purpose to assist with the running of the Town Council's estate including matters relating to Parish Hall, Town Council Offices, village greens and footpaths)
- Finance Working Group (purpose to assist with the close scrutiny of the Council's income and expenditure budget and all other financial matters including future forecasting. The Council's Internal Auditor also sits on this Working Group);
- Fireworks Working Group (purpose to oversee the delivery of the Town Council's annual fireworks display);
- Policy and Records Management Working Group (purpose to review existing policies and to consider additional policies required and to draft so that subsequent recommended policies can be presented to Council).

## 10. PLANNING APPLICATIONS

- 10.1. All planning applications will be discussed by the Full Council at their Monthly Meeting.
- 10.2. Members will be notified of each planning application as received by DCC but it will be their individual responsibility to consider the details of each by accessing such on-line. If a Member does not have on-line facilities at home or wishes to access such from the offices, this facility is provided at the Council Offices.
- 10.3. The Town Council will have due regard to the National Planning Policy Framework and all material considerations when making appropriate comments and recommendations to the Local Planning Authority.
- 10.4. In exceptional circumstances, i.e. during the August recess minor applications such as extensions, garages etc shall be dealt with by the Clerk emailing/informing Members of details of the application and seeking their comments for referral back to the Planning Authority.

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- 10.5. In more major applications the Town Clerk will seek an extension in the time for response from the Planning Authority and if this is not granted then a Special Meeting of the Town Council will be called.

## **11. RESPONSIBILITIES DELEGATED TO TOWN COUNCIL PROPER OFFICER**

### **11.1. 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 Proper Officer.

### **11.2. General Matters:**

The Proper Officer is authorised:

- To sign on behalf of the Council any document necessary to give effect to any decision of the Council, 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.
- To institute and appear in any legal proceedings, authorised by the Council.
- To appear or make representation 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 Sedgefield).
- To alter the date or time of a Committee meeting but, before doing so, shall consult the Chair and Vice Chair of the Committee concerned about convenient alternative dates and times.
- To decide arrangements for the closure of the Council Offices in the Christmas/New Year period, subject to consultation with the Personnel Committee.
- To negotiate and enter into contractual arrangements for artistes and promoters in relation to events held and programmes of entertainment.
- To manage the Council's allotments including the selection of tenants.
- The management of parks, open spaces and amenity areas.
- The management of the Council's cemeteries and burials service.

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- To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.

### 11.3. Financial Matters:

The Proper Officer is authorised as follows:

- To incur expenditure up to a maximum of £500 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 Financial Regulations.
- 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 compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.
- To invest monies held by the Council in accordance with the Council's Investment Policy.

### 11.4. Cemetery Matters:

The Proper Officer is given delegated powers to carry out all duties appertaining to burial and including:

- Authorise grants of grave spaces in accordance with the cemetery regulations.
- Authorise the erection of memorials/headstone in accordance with memorial regulations.

### 11.5. Staffing Matters:

The Proper Officer is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget including:

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- Appointments to posts as per the Standing Orders.
- The employment of temporary employees.
- Control of staff performance and discipline and performance, including the power of suspension or dismissal.
- Payment of expenses and allowances in accordance with the Council's scheme.
- The approval of increments, in accordance with the Council's staff appraisal system.

11.6. Property Matters:

The Town Council will:

- Agree the terms of any hire, lease, license, conveyance or transfer of all Council owned properties and land.
- Agree the granting or refusal of the Council's consent under the terms of all leases.
- Agree all variations of all restrictive covenants.
- Agree the granting of easements, wayleaves and licenses over Council land.
- Initiate all legal action or proceedings against unauthorised encampments on Council land.

The Proper Officer is given authority to manage all land and property of the Council in accordance with the Council decisions taken as above.

11.7. Urgency:

The Proper Officer 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 Chair of the Council and Chair and Vice Chair of any relevant Committee are to be consulted before such action is taken.

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## 12. GLOSSARY OF TERMS

Term:	Definition:
Annual Governance and Accountability Return (formerly known as Annual Return)	Local Councils in England with an annual turnover of £6.5 million or less must complete an Annual Governance and Accountability Return in accordance with proper practices summarising their activities at the end of each financial year.
Annual Governance Statement	A statutory document which explains the processes and procedures in place to enable the Council to carry out its functions.
Annual Meeting	The meeting at which the Council elects its Chair, Mayor and makes other annual appointments and reviews key policies.
Capital Budget	Funds the major one off investments in Council and community assets.
Delegation Scheme	Document which details at what level of the Council decisions can be made.
Earmarked Reserves	Funding which is allocated for specific project(s) by Full Council.
External Auditor	Employed to audit the annual accounts and consider issues raised by residents (if necessary).
Financial Regulations	The rules which govern the conduct of financial management of the Council.
General Power of Competence	Power under the Localism Act 2011 allowing eligible Councils (which STC is) to do anything an individual can do provided it is not prohibited by other legislation.
Internal Auditor	Audits a Council's internal controls (both financial and governance) to ensure the Council maintains adequate and effective systems.

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Precept	The Town Council's share of the Council Tax.
Project	A task that is carefully planned to achieve a particular aim/outcome.
Revenue Budget	Funds the day to day running costs of the Council.
Standing Orders	The written rules of the Council detailing internal organisation, administrative and procurement procedures and procedural matters at meetings.
The Council	Sedgefield Town Council

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