



# Chipping Norton Town Council

## **SCHEME OF DELEGATION**

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## **1. DISCHARGE OF THE SCHEME**

- 1.1 This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders and will be reviewed at least every two years and when there are staffing changes.
- 1.2 Those with delegated responsibility are referred to by job title, e.g. Town Clerk.
- 1.3 One of the purposes of the document is to clearly define the parameters within which Officers of the Council are able to 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.
- 1.4 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.
- 1.5 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 In an emergency the Proper Officer is empowered to carry out any function of the Council.
- 2.4 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 consult with the Mayor and/or Chair of the relevant Committee and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

## **3. AUTHORITY TO ACT**

- 3.1 It will be appropriate for the Town Clerk to refer a matter to the Council where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for councillors to determine; or could, by its scale or complexity expose the Council to major corporate risk.

- 3.2 The Town Clerk and Committees have the responsibility to act within the Council's approved policies, procedures and framework and within the law in conjunction with this delegated scheme.

#### **4 CONFLICTS OF INTEREST**

- 4.1 Under the Local Government Act 1972, section 117 the Town Clerk must make a formal declaration about council contracts where they have a financial interest.
- 4.2 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 RESERVED POWERS**

- 5.1 The following matters are only to be resolved by the Full Council:
- Appointment of the Town Clerk/Responsible Financial Officer and other council officers following a recommendation from the Staffing Sub Committee
  - To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies
  - To approve and adopt all Council policies
  - To approve and adopt the Budget
  - To agree and/or amend the terms of reference for Committees
  - To adopt the schedule of meetings for the ensuing year
  - To determine matters involving expenditure for which budget provision is not made or is exceeded
  - To set the Precept
  - To make byelaws
  - To borrow money
  - To approve annually the statutory annual return
  - To approve eligibility for the General Power of Competence

#### **6 DELEGATION TO COMMITTEES - SAFEGUARDS**

- 6.1 All Committees are appointed by and are responsible to Chipping Norton Town Council. The Committees' duties are defined and agreed by the Full Council, the Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a Committee or Officer.

#### **7 DELEGATION TO COMMITTEES**

##### **7.1 Committees Generally**

The membership of each committee will be agreed by the Full Council.

The Mayor will be a member 'ex officio' of all Committees with the right to vote.

The first item of business at all first committee meetings after the Annual meeting of the Council in May (Mayor Making) will be to elect a Chair for the year. A Vice-Chair may be elected, if thought appropriate, although any elected member can preside in the Chair's absence.

Any Committee may invite guidance from professionals or other qualified people to assist in its deliberations.

Any Committee shall be able to constitute sub-committees and working groups to study any aspect of the Committee's sphere of activity.

The frequency of meetings shall be decided by each Committee.

Additional meetings will be arranged as deemed appropriate by the Chair.

Written minutes will be taken to record all the Committee's decisions and will be adopted at the next Full Council meeting and signed as a true record at the next Committee meeting. The Town Clerk will be responsible for arranging meetings and ensuring that minutes are taken and distributed. The minutes will be available on the Town Council website.

## **7.2 Finance & Resources Committee**

**Quorum:** Three (minimum) or one third of total committee membership whichever is greater Town Councillors.

**Terms of Reference:**

The Finance & Resources Committee will undertake the following functions (and may delegate those functions indicated to the Staffing and Health & Safety Sub Committees):

- 1) Regulate, manage and control the finance and resources of the Council, including: investments; loans; grants; value for money; long term plans and financial strategy
- 2) Monitor the financial performance of the Council's budgets against estimates
- 3) Review the Council's fees and charges annually
- 4) Consider the annual estimates of income and expenditure and recommend to Council the precept to be levied on the West Oxfordshire District Council for approval.
- 5) Ensure adequate systems of financial control are in place to utilise and protect the Council's finances and assets – to include insurance of buildings and property and maintenance of an asset register.
- 6) Review and recommend amendments to the Council's Financial Regulations annually
- 7) Ensure that the Council is observing its Financial Regulations
- 8) Appoint an internal auditor
- 9) Receive internal and external audit reports
- 10) Monitor and effect compliance with internal and external audit recommendations and other financial procedures, regulations and statutes.
- 11) Monitor the Council's financial risk assessments and recommend changes where necessary.
- 12) Recommend the annual accounts to the Council for approval
- 13) Keep under review the Council's policies and procedures and recommend amendments or new policies to Council for approval and adoption
- 14) Develop and keep under review a community engagement strategy
- 15) Monitor the effectiveness of the Council's communication with residents and visitors
- 16) Ensure that risk assessments and safety inspections are undertaken regularly for the cemetery and that these risk assessments and any inspection reports are shared with the Health & Safety Sub Committee
- 17) Authorise items of expenditure which are provided for within the approved budget for the Committee

- 18) Consider the carbon footprint and biodiversity impact of any decision, as stipulated in the Climate Emergency Declaration

**Functions which may be delegated to the Staffing Sub Committee:**

- 19) Recruitment of Town Clerk/ Responsible Financial Officer and other staff as required
- 20) Recruitment and selection procedures
- 21) Annual appraisal and development of the Town Clerk/RFO
- 22) Review of staff contracts, job descriptions, and employment policies (specifically to include grievance and discipline policies) every two years
- 23) Review of staff and office accommodation requirements
- 24) Management of rights relating to leave, time off and illness
- 25) Ensure that the Clerk has everything required for managing other staff
- 26) Keep up to date with developments in employment law
- 27) The Staffing Sub-Committee will serve as the disciplinary or grievance panel
- 28) Agree the members to sit on an appeals panel to hear appeals against a decision on a grievance (noting that an appeals panel may be composed of individuals who are not Town Councillors)

**Functions which may be delegated to the Health & Safety Sub Committee:**

- 29) Ensure the Council's compliance with all applicable health and safety legislation
- 30) Ensure that risk assessments are carried out for all area's of the Council's activity
- 31) Review all risk assessments regularly

### **7.3 Community Committee**

**Quorum:** Three (minimum) or one third of total committee membership whichever is greater Town Councillors.

**Terms of Reference:**

The Community Committee will undertake the following functions:

- 1) Develop and support the Council's work with families and young people
- 2) Advance the Council's ambitions regarding the provision of a Youth Worker (agreeing contract terms as appropriate and monitoring any contract)
- 3) Develop and support a Town's Youth Council for the town.
- 4) Actively promote greener and healthier lifestyles and consider the carbon footprint and biodiversity impact of any decision, as stipulated in the Climate Emergency Declaration.
- 5) Manage the Town Council owned community facilities (specifically the Town Hall, Pool Meadow, and all recreation, sports grounds and open spaces).
- 6) Ensure that the Town Council owned community facilities are kept in good repair
- 7) Ensure that risk assessments and safety inspections are undertaken regularly for all the Town Council owned community facilities and that these risk assessments and any inspection reports are shared with the Health & Safety Sub Committee
- 8) Review annually fees and charges for use of the Council's community facilities and make recommendations to the Finance & Resources Committee
- 9) Keep the provision of community facilities (regardless of ownership) under review and identify where additional provision would be of benefit to the community
- 10) Develop strategies for the provision of new community facilities and make

- recommendations as appropriate to the Council
- 11) Develop and support partnerships with the voluntary sector
  - 12) Keep the Council's grants policy under review and recommend any changes to the Council
  - 13) Consider grant applications and award grants in accordance with the grants policy and with the available budget
  - 14) Develop and support community festivals and events
  - 15) Exercise the Council's functions as a burial authority, delegating to officers as appropriate
  - 16) Ensure that the cemetery and associated buildings, walls and fences are kept in good repair
  - 17) Develop projects as appropriate and make recommendations to the Council
  - 18) Explore sources of alternative/external funding to support community projects and partnerships
  - 19) Authorise items of expenditure which are provided for within the approved budget for the Committee.

#### **7.4 Strategic Planning Committee**

**Quorum:** Three (minimum) or one third of total committee membership whichever is greater Town Councillors.

**Terms of Reference:**

The Strategic Planning Committee will undertake the following functions (and may delegate those functions indicated to the Planning and Traffic Advisory Sub Committees):

- 1) Promote the economic development of Chipping Norton
- 2) Manage the Council's assets in the public realm (street furniture etc) ensuring that all such assets remain in good repair
- 3) Keep the appearance of the public realm (and particularly the town centre) under review (regardless of ownership) and identify where additional (or less) street furniture/signage etc would be of benefit to the town
- 4) Develop strategies for the improvement of the public realm and make recommendations as appropriate to the Council
- 5) Keep the Chipping Norton Neighbourhood Plan under review
- 6) Develop projects which further the East Chipping Norton Vision Statement and make recommendations to the Council
- 7) Review possible green infrastructure projects, develop partnerships to deliver such projects and make recommendations to the Council
- 8) Authorise items of expenditure which are provided for within the approved budget for the Committee
- 9) Consider the carbon footprint and biodiversity impact of any decision, as stipulated in the Climate Emergency Declaration

**Functions which may be delegated to the Planning Sub Committee:**

- 10) Consider and make observations on planning applications within the Council area and subject to consultation by the relevant planning authority
- 11) Monitor planning decisions made by the planning authority
- 12) Make representations on planning enforcement matters
- 13) Make representations, as appropriate, on planning appeals

## **Functions which may be delegated to the Traffic Advisory Sub Committee:**

1. The Committee shall consist of 5 Town Councillors and members from West Oxfordshire District Council and Oxfordshire County Council, including Traffic engineers, Thames Valley Police and the CN Community Resilience Group. Other organisations may be invited to attend in an advisory capacity.
2. The Quorum shall be at least 4 CN Town Councillors
3. A Chairman shall be elected at the first meeting of the new municipal year
4. The Committee is an advisory committee reporting to the full Town Council and to the Community. Any advice will be reported to the full CNTC & Community for consideration.
5. The committee has no budget responsibility or delegated powers apart from those set out in paragraph 6 below.
6. On matters that require further research, for example a more detailed report or seeking further clarification from a third party, the Committee shall have delegated power to act.
7. The scope of the Committee will include traffic related matters-
  - HGVs
  - Road safety
  - Speed data
  - 20mph limit & other traffic limits
  - Traffic and Traffic flow
  - Travel choices
  - School Travel
  - Air Quality and Pollution
  - Drain Covers
  - Line Painting
  - Parking
  - Repairs to Pavements and Roads
  - Street lighting

This list is not exhaustive.

The Committee shall meet at least two times per year (March and October) and such other occasions as deemed necessary

## **8 DELEGATION TO OFFICERS**

### **(a) Town Clerk**

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.
2. 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 Mayor (if practicable in the circumstances).



3. The Clerk will have the authority to dispose of the Council's assets (excluding land and building assets) subject to the estimated value of any one tangible; moveable item does not exceed £500. The Clerk is responsible for ensuring any disposal details including the disposal values are recorded in the assets register.
4. 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.
5. The Clerk is the 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
6. The authority to sanction and authorise payment of overtime so long as the costs can be contained within the parameters of the approved budget. The Clerk shall have the authority to engage casual workers subject to budget and the Clerk shall consult with the Staffing Sub-Committee members when such work is to be sanctioned.
7. Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council
8. As Proper Officer, to sign all documents on behalf of the Council including the Summons to Elected Members to attend Council Meetings in accordance with paragraph 4 and Schedule 12 of the Local Government Act, 1972
9. To sign and publish the annual public notice that the Audit of Accounts is to take place and has taken place.
10. To receive members' acceptance of declarations of interest and their appointment as a Councillor.
11. Power to release press statements on any activities of the Council subject to prior consultation with the Chairman
12. Power to act on own initiative to implement the Council's policies and objectives.
13. Power to take appropriate steps to ensure the Council does not exceed its powers.
14. Power to manage all the Council's facilities and resources in accordance with the Council's policies.
15. In liaison and after conferring with the Mayor, to make such Civic arrangements as are necessary.
16. The Proper Officer shall have authority to issue written authorisation to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties.
17. The Proper Officer shall be responsible for signing all the Council's Official Notices as set out in the Standing Orders.

18. As Proper Officer/Responsible Financial Officer, the Clerk may incur expenditure on revenue items on behalf of the Council up to the amounts included in the approved budget.

**(b) Responsible Financial Officer**

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.
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. The Responsible Financial Officer shall ensure the approved precept request is issued to the billing authority.