

# **Burntwood Town Council Scheme of Delegation**

## **1.0 Discharge of the Scheme of Delegation**

1.1 This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders and will be reviewed every two years and when there are staffing changes. Unless a change in law necessitates review.

1.3 One of the purposes of the document is to clearly define the parameters within which councillors and officers of the Council can act on behalf of the Town Council.

1.5 The other purpose of the document is to capture the various delegated powers that the Council has granted to its committees. This element of the scheme is based on the Terms of Reference approved for each committee as set out in Appendix 1.

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.

## **2.0 Principles of Delegation**

2.1 Section 101 of the Local Government Act 1972 makes provision for the Town Council to delegate its powers (except those incapable of delegation) to a committee or an officer. In turn a Committee may delegate its powers to a sub-committee or an officer.

2.2 Any delegation must comply with the Council's Standing Orders, its Financial Regulations and any other policies or conditions imposed by the Council and within the law.

2.3 In an emergency the Proper Officer is empowered to carry out any function of the Council.

2.4 Where the Proper Officer is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chairman of the Council and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

## **3.0 Committees of the Council**

3.1 The Council may at the Annual Meeting appoint Committees and at any other time appoint such other Committees when required. The following conditions will apply to any appointment:

- i) The Council can at any time suspend, dissolve or alter the Membership of a Committee.
- ii) The Chairman and Vice-Chairman of the Council may be Members of every Committee should they wish.

iii) A Chairman and Vice Chairman, for each Committee will be ratified by full Council at the Annual Meeting of the Council. That Chairman and Vice Chairman will then preside until the next Annual Meeting of the Council

iv) Committees shall meet within the timetable approved by the Council at its Annual meeting or on appointment of the committee.

v) Meetings shall be open to the public, although the Committee may resolve to exclude the press and public under section 1 Public Bodies (Admission to Meetings) Act 1960 only when there are confidential matters to be discussed.

vi) The Chairman of a Committee, or the Chairman of the Council, may summon a special meeting of that Committee at any time. A special meeting shall also be summoned on the requisition in writing of not less than a quarter of the Members of the Committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

vii) The quorum of all Committees will be laid out in the terms of reference for that Committee.

viii) Committees shall, always act in accordance with the Council's Standing Orders and Financial Regulations. The Committees must operate within the statutory framework of powers and duties granted by way of rules, regulations, schemes, bylaws, orders made and within any directions given by Council from time to time.

ix) The minutes of any Committee Meetings shall be presented to the next meeting of the Council. Where Council votes to adopt the minutes, this means that the recommendations proposed in those minutes become resolutions in law. Members can discuss any recommendation prior to voting and change it and/or exclude it from the voting, should they feel that it is necessary.

x) All members of the Council shall receive agendas and supporting papers of Council and all Committees electronically, except where a special request has been presented to receive documentation in paper format and by post.

xi) Members of Committees shall vote by a show of hands. Chairman of Committees shall have a second or casting vote.

#### **4.0 Presence of Non-Members of Committees at Committee Meetings**

4.1 Any Council Member may attend, and with the permission of the Committee Chairman, speak on matters at a meeting of a Committee or Sub Committee of which they are not a member, but may not vote.

4.2 A member who has proposed a motion which has been referred to any Committee of which he is not a Member, may explain his motion to the Committee but shall not vote.

#### **5.0 Delegations to Committees**

5.1 Committees are not bound to exercise delegated powers and may at their discretion refer matters to the Council for decisions.

5.2 Each committee is required to propose that its minutes and any recommendations therein should be approved and answer any queries and requests for clarifications.

5.3 Except as mentioned below, each committee shall exercise on behalf of the Council the functions assigned to it as set out in Appendix 2.

- i) The borrowing of money.
- ii) The setting of the budget and levying of the Precept.
- iii) The disposal of land, other than lettings for two years or less.
- iv) The introduction of new major policy or a change in the Council's established policy.
- v) The making, amending or revoking of Standing orders, Financial Regulations or this Scheme of Delegation.
- vi) The making, amending or revoking of byelaws.
- vii) The purchase of land not provided for, or at a cost more than a sum allowed therefor, in any approved capital works.
- viii) Confirming the appointment of the Clerk.

## **6.0 Proper Officer Duties & Powers**

6.1 The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

- i) Receive declarations of acceptance of office.
- ii) Receive and record notices disclosing interests at meetings.
- iii) Receive and retain plans and documents.
- iv) Sign notices, agreements, licences or other documents on behalf of the Council.
- v) Receive copies of byelaws made by another local authority.
- vi) Certify copies of byelaws made by the Council.
- vii) Sign and issue summonses to attend meetings of the Council.
- viii) Keep proper records of all Council Meetings.
- ix) Notify the Monitoring Officer of any casual vacancies and liaise with them regarding the conduct of elections.

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

- i) The day-to-day administration of services, together with routine inspections and controls. These actions are described in more detail in Appendix 2.
- ii) Authorisation of routine expenditure within the agreed budgets.

iii) Emergency expenditure outside of the agreed budget (see 7 – Urgent matters below).

iv) Dealing with all press and public relations on behalf of the Council in consultation with the Chairman or Vice-Chairman.

## **7.0 Urgent Matters**

7.1 In the event of any matter arising which requires an urgent decision notwithstanding delegated powers granted by this Scheme of Delegation, the Chairman and/or Vice-Chairman of the relevant Committee and the Town Clerk shall have delegated power to act on behalf of the Council in respect of the matter then under consideration.

7.2 Before exercising the delegated powers granted by paragraph 7.1 above, consideration should be given to whether the matter is of sufficient importance to justify recommending to the Chairman that an Extraordinary Meeting of the Council should be called.

7.3 Whenever any action is taken under this Standing Order, full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next available meetings of the Council.