

# **Beverley Town Council**

## **Scheme of Delegation**

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### **NOTES**

In the case of Beverley Town Council, the role of Town Clerk and RFO are combined into one post.

Throughout this document, where items or actions are in the name of the Town Clerk, should they be unavailable in practice, the Deputy Town Clerk will act in their place as their substitute.



## SCHEME OF DELEGATION

This document authorises the Town Clerk (Proper Officer) and Responsible Financial Officer, Standing Committees and Working Groups of the Council to act with delegated authority in the specific circumstances detailed.

### 1. RESPONSIBLE FINANCIAL OFFICER – DUTIES AND POWERS

- 1.1 The Town Clerk shall be the Responsible Financial Officer to the Council and shall be responsible for the Town Councils accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

### 2. PROPER OFFICER – DUTIES AND POWERS

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

- (c) Receive declarations of acceptance of office;
- (d) Receive and record notices from Councillors disclosing interests;
- (e) Receive and retain plans and documents;
- (f) Sign Notices or other documents on behalf of the Council;
- (g) Receive copies of By-laws made by the Unitary Council;
- (h) Certify copies of By-laws made by the Council;
- (i) Sign and issue summonses to attend meetings of the Council;
- (j) Keep proper records of all Council Meetings;
- (k) 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);
- (l) Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office;
- (m) Notify the Returning Officer of any casual vacancies and liaise with them regarding the conduct of elections.

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

- (c) The day-to-day administration of services, together with routine inspection and control;
- (d) Day-to-day management of staff employed by the Council;
- (e) Authorisation of routine expenditure within the agreed budget;
- (f) Emergency expenditure up to £2,000 outside of the agreed budget;
- (g) The consideration of minor planning applications in consultation with Committee Chair;
- (h) Dealing with all press and public relations on behalf of the Council in accordance to the Council's Press and Media Policy.

- 2.3** 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.

### **3. THE COUNCIL**

- 3.1** 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.
- (a)** Setting the Budget and Precept;
  - (b)** Borrowing money;
  - (c)** Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation;
  - (d)** Making, amending or revoking By-laws;
  - (e)** Making of Orders under any Statutory powers;
  - (f)** Matters of principle or policy;
  - (g)** Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings);
  - (h)** Authorising the incurring of expenditure not provided within the approved budget;
  - (i)** Any proposed new undertakings;
  - (j)** Prosecution or defence in a court of law;
  - (k)** Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee;
  - (l)** Approving the Annual Governance and Accountability Return (AGAR);
  - (m)** Confirming eligibility to exercise the General Power of Competence;
  - (n)** Creation of Committees and membership therein;
  - (o)** Confirming the appointment of the Town Clerk.

### **4. ABOUT STANDING COMMITTEES**

- 4.1** Sections 101 and 102 Local Government Act 1972 allows for the discharge of the Council's functions by a Committee, a Sub-Committee or an Officer of the Authority.
- 4.2** Committees and Sub Committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegation where applicable and may only be exercised where sufficient budgetary provision exists or can be varied from which the approved budget of the Committee. The Committees must operate within the statutory framework of powers and duties granted by way of rules, regulations, schemes, statutes, by-laws or orders made and with any directions given by the Council from time to time.

- 4.3 Committees, unless the Council otherwise directs, may arrange to devolve any of its functions to one or more Sub-Committees or to Officers of the Council
- 4.4 Committees shall be appointed for the period of a year following the Annual Meeting of Council or the meeting designated for the appointment of Committees following the Annual Meeting of Council under **Standing Order 5.j**.
- 4.5 Committee Chairmen and Vice-chairmen shall be appointed by Council after it has appointed the members of the said Committees under **Standing Order 4.d.vi**.
- 4.6 Council shall determine the number and time of ordinary meetings of a Standing Committees under **Standing Order 4.d.ii**.
- 4.7 The Minutes of the Committee Meetings shall be presented to the next meeting of Council for adoption.
- 4.8 Reference should be made to **Standing Order 7** in relation to rescinding decisions of Council.
- 4.9 Meetings shall be open to the public, although the Committee may resolve to exclude the press and public under s2 Public Bodies (Admission to Meetings) Act 1960 only when the following confidential matters are to be discussed:
- (a) Engagement, terms of service, conduct and dismissal of employees;
  - (b) Terms of tenders, proposals and counter-proposals in negotiation for contracts;
  - (c) Preparation for cases in legal proceedings; and
  - (d) Early stages of any dispute.
- 4.10 All members of the Council shall receive agendas and supporting papers of all Committees with the exception of Personnel and Grievance.
- 4.11 Notice of meetings and Agendas of the Committee Meetings shall uploaded to the Town Council website ([www.beverley.gov.uk](http://www.beverley.gov.uk)) and, when possible, displayed in the Wednesday Market noticeboard.
- 4.12 Minutes of Committee Meetings shall be lodged with the Treasure House and uploaded to the Council's website.
- 4.13 Only members of the Committee may vote on agenda items. Non-members of the Committee will be allowed to speak on an agenda item on the approval of the Chairman of that Committee.

## 5. BEVERLEY TOWN COUNCIL'S STANDING COMMITTEES

### 5.1 POLICY AND FINANCE COMMITTEE

The Policy and Finance Committee shall consist of **7 member of the Council (with 2 Substitutes) and a Quorum of 4 (as of May 2022 \* )**, and be delegated to conduct the following business on behalf of the Town Council:

- (a) Management and overview of the Council's finances including liaison with Internal and External Auditors and any other outside body deemed necessary.

\* Until May 2022, the committee will remain at 8 members as detailed within the version of the Scheme of Delegation adopted on 25<sup>th</sup> June 2018. Upon the election of committee members at the Annual Meeting of the Town Council in May 2022, the number will be set at 7 in line with this revised Scheme of Delegation approved at Full Council on 20<sup>th</sup> September 2021.

- (b) Maintenance of a continuous internal control system.
- (c) Preparing the Council's Annual Financial Plan for the purpose of a Precept being agreed by the Council.
- (d) To scrutinise finances and make recommendations to Full Council regarding the approval of Year End Accounts.
- (e) Receipt and consideration of the reports of the Internal and External Auditor and monitoring, and make recommendations to Full Council to enable the implementation of approved action plans.
- (f) Scrutinise the Corporate Governance of the Council e.g. Risk Management, Insurance, etc. and make recommendations to Full Council regarding these aspects.
- (g) Policy formulation in respect to finance and develop strategies for the delivery of these policies and development of policies for Full Council.
- (h) Liaison with specialist consultants, advisors, professional bodies or associations as required to enable the Council to discharge its functions, and to refer matters to more appropriate committees where required.
- (i) Strategic oversight of all Civic Matters e.g. Mayoralty, Civic Property, Citizenship and Local Democracy.
- (j) Consideration and determination of ways in which the council can engage with the electorate and public at large e.g. media, website, newsletters and publicity, etc.
- (k) To consider new initiatives and events as delegated by Full Council.
- (l) Any other matter which may be delegated to it by the Council from time to time.
- (m) The Committee may refer specific matters to the Council for a final decision if it so wishes.

## 5.2 PLANNING, ENVIRONMENT AND SERVICES COMMITTEE

The Planning, Environment and Services Committee shall consist of **7 member of the Council (with 2 Substitutes) and a Quorum of 4 (as of May 2022 \* )**, and be delegated to conduct the following business on behalf of the Town Council:

- (a) Planning Consultation Consideration and formulation of responses to any of the following:
  - (i) Applications made to the Planning Authority for planning permission relating to land and property within the Parish e.g. Full, Outline, Reserved Matters, Listed Buildings, Regulation 4, Conservation Area, Advertising Consent and street naming. All applications of a strategic nature shall be referred to Council;
  - (ii) Applications made to the Planning Authority for permission of an environmental nature relating to land and property within the parish e.g. tree felling, tree maintenance, Tree Preservation Orders;

\* Until May 2022, the committee will remain at 8 members as detailed within the version of the Scheme of Delegation adopted on 25<sup>th</sup> June 2018. Upon the election of committee members at the Annual Meeting of the Town Council in May 2022, the number will be set at 7 in line with this revised Scheme of Delegation approved at Full Council on 20<sup>th</sup> September 2021.

- (iii) Development Plans and Revisions and all Statutory and Non-Statutory Plans at national, regional and local level, deemed to have impact on the parish;
  - (iv) Any Local Authority proposals with respect to the stopping up, diversion, maintenance or creation of public rights of way within the Parish;
  - (v) Local Authority Planning Enforcement with respect to breaches in planning control/policy;
  - (vi) Any Highway Authority proposals with respect to highways and traffic regulation orders;
  - (vii) Responses to the Government's Planning Inspectorate and other appropriate bodies either in support of or against planning and enforcement appeals made by the owners and developers of land and property and if considered appropriate authorise the attendance of members and officers and the engagement of professional representation at Local Inquiries and Hearings into such appeals.
- (b) Management and control of the Council's allotment sites, including all grounds maintenance/improvement works.
  - (c) Management of the provision and maintenance of the Council's Footway Lighting (in cooperation with East Riding of Yorkshire Council).
  - (d) Management of the provision and maintenance of the Council's Noticeboards.
  - (e) Management of the provision and maintenance of the Council's Litter Bins (in cooperation with East Riding of Yorkshire Council).
  - (f) Management and the provision and maintenance of the Council's recreational areas including but not limited to play areas and the skate park (in cooperation with East Riding of Yorkshire Council).
  - (g) Maintenance and repair of all the buildings and other property owned by the Council.
  - (h) Environmental Matters e.g. recycling, encouragement of sustainable development in the Parish, highlighting good environmental practice, etc.
  - (i) Maintenance and upkeep of all vehicles and equipment used for grounds maintenance purposes.
  - (j) Promoting and encouraging action against all forms of crime and disorder e.g. Community Safety including CCTV (in cooperation with East Riding of Yorkshire Council and Humberside Police).
  - (k) Actively consider acquisition of services and facilities which are deemed to improve the long-term facilities of the Town.
  - (l) Oversee any capital projects which are deemed to improve the long-term facilities of the Town.
  - (m) Carrying out such things as are deemed necessary and in accordance with approved policies of the Council, to protect, preserve and enhance the local environment and the amenities and interests of the community.
  - (n) Street naming consultation.

- (o) Any other matter which may be delegated to it by the Council from time to time.
- (p) The Committee may refer specific matters to the Council for a final decision if it so wishes.
- (q) The Committee has delegated authorisation to incur expenditure within budget permeameters to a maximum of £2000 for functions and services relevant to that committee, including: litter bins, grit bins, benches, floral displays (including planters, hanging baskets, barrier planters), allotments, skate park, flagpoles, cycle racks, dog waste bag dispensers and street lighting.

### 5.3 CHRISTMAS LIGHTS COMMITTEE

The Christmas Lights Committee shall consist of **5 members, with a Quorum of 3** with additional representation from the Christmas Lights Fundraising Appeal Group and Beverley Lions (and potentially other related bodies), and be delegated to make decisions on behalf of the Council in the following matters:

- (a) Selection and purchase of Christmas Lighting.
- (b) Selection and purchase of all-year-round lighting.
- (c) Upgrades and additions to the electrical infrastructure to facilitate the installation of Lights, including brackets, stress testing, PAT testing electric boxes, completion of Wayleave documents, etc.
- (d) Management and maintenance of the Lights infrastructure, including PAT testing, electrical checks and repairs, bulb replacements, etc.
- (e) Liaising with partner groups, such as Beverley Lions, regarding the Christmas Lights switch-on events.
- (f) Supporting the efforts of the independent Christmas Lights Fundraising Appeal.
- (g) The Committee has delegated authorisation to incur expenditure within budget permeameters to a maximum of £2000 for functions and services relevant to that committee, those being the purchase and installation of Christmas and all year lighting features, displays and associated technical infrastructure.

### 5.4 GRANTS COMMITTEE

The Grants Committee shall consist of **8 members of the Council, two from each Ward, with a Quorum of 4** and be delegated to make recommendations to be taken to Full Council for final decisions in the following matters:

- (a) Recommend allocation of Grants Fund in accordance with the Terms of Reference agreed by the Town Council's Grants Policy.
- (b) Recommend establishment of Partnerships with allocations of funds in line with the Town Council's Grants Policy.

## **5.5 PERSONNEL COMMITTEE**

The Personnel Committee shall consist of **4 members of the Council with a Quorum of 3** and be delegated to make decisions and recommendations on behalf of the Council in the following matters:

- (a)** Overview of staffing matters.
- (b)** Appraisals of members of staff.
- (c)** Management of conditions of service, including:
  - (i)** Staffing levels and reviews;
  - (ii)** Contracts of employment;
  - (iii)** Health and safety of members of staff;
  - (iv)** Wellbeing of members of staff.
- (d)** Coordination of recruitment, including preparation and maintenance of employment documentation, including:
  - (i)** Job Advertisements;
  - (ii)** Job descriptions;
  - (iii)** Person specifications;
  - (iv)** Contracts of employment;
- (e)** Staffing policies and procedures.
- (f)** Hearing any complaints in accordance with the Council's Code of Practice for Handling Complaints and Freedom of Information requests.
- (g)** Overseeing hearings for Grievance, Disciplinary and Capability matters in accordance with the Council's Grievance and Disciplinary Procedure.
- (h)** Dealing with any Grievance, Disciplinary and Capability matters to a final conclusion, only reporting to Council when the time for any Appeal has passed.
- (i)** Any other matter which may be delegated to it by the Council from time to time.
- (j)** The Committees may refer specific matters to the Council for a final decision if it so wishes.
- (k)** The Committee has delegated authorisation to incur expenditure within budget parameters to a maximum of £2000 for functions and services relevant to that committee, those being the procurement of legal and other advice relating to staffing matters.



## 5.6 APPEALS COMMITTEE

The Appeals Committee, as and when it is required, shall consist of **3 members of the Council (not on Personnel Committee or directly named in connection with the grievance and appeal) with a Quorum of 3** and be delegated to make decisions on behalf of the Council in the following matters:

- (a) Appeals against decisions made by the Personnel Committee in Grievance, Disciplinary and Capability matters.
- (b) Dealing with Appeals to a final conclusion, only reporting to Council the actions it has taken at the end of the process.
- (c) Dealing with any appeals to a final conclusion, only reporting to Council when the time for any Appeal has passed.
- (d) Any other matter which may be delegated to it by the Council from time to time.
- (e) The Committees may refer specific matters to the Council for a final decision if it so wishes.
- (f) Where appropriate, the Appeals Committee may wish to seek the advice of external professionals (e.g. H.R.) to support the process and invite such individuals to meetings.

**It is vital that the Personnel Committee and Appeals Committees keep confidential their 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 Personnel Committee and Appeals Committees must agree to undertake training in these matters.**

## 6. OTHER COMMITTEES

- 6.1 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. WORKING GROUPS

- 7.1 Working Groups may be formed by resolution of the Council or a Committee at any time.
- 7.2 The work of such a Working Group will be decided upon at the time it is formed by means of a Minute detailing the Terms of Reference.
- 7.3 Each Working Group will report back with recommendations to the Council or the Committee that formed it.

**8. URGENT MATTERS**

- 8.1** In the event of any matter arising which requires an urgent decision notwithstanding delegated powers granted by item 2.2.f above, the Town Clerk shall forthwith consult with the Chairman and Vice-Chairman of the appropriate Committee (and also with the Chairman and Vice-Chairman of the Policy and Finance Committee if the matter involves expenditure not provided for in the annual budget). The Town Clerk shall have delegated power to act on behalf of the Council in respect of the particular matter.
- 8.2** Before exercising the delegated powers granted by item 8.1 above, those Members consulted shall consider whether the matter is of sufficient interest to justify the summoning of an Additional or Extra-ordinary 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.

**This Scheme of Delegation was adopted by Full Council on**

**Date:** 14 / 02 / 22

**Signed:** *A. J. Johnson*  
**Council Chairman**

**Date:** 14 / 02 / 22

**Signed:** *M. J. Good*  
**ACTING Town Clerk**

**Date:** 14 / 02 / 22