



CARNFORTH TOWN COUNCIL SCHEME OF DELEGATION

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer and Standing Committees to act with delegated authority in the specific circumstances detailed. It will be reviewed annually at the Annual Town Council Meeting.

Proper Officer and Responsible Financial Officer

Duties and Powers

1) Responsible Financial Officer

The Responsible Finance Officer to the Council shall be responsible for the Town Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

2) Proper Officer

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

- Receive declarations of acceptance of office
- Receive and record notices disclosing interests
- Receive and retain plans and documents
- Sign Notices or other documents on behalf of the Council
- Receive copies of bylaws made by a principal local authority
- Certify copies of bylaws made by the Council
- Draw up agendas usually after consultation with the relevant Committee Chairman
- Sign summons to attend ordinary meetings of the Council

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

- Day to day administration of services, together with routine inspection and control
- Day to day supervision and control of all staff employed by the Council



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- Authorisation to respond to any correspondence, requiring or requesting information or relating to previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its Committees
- Action routine recurring expenditure within the agreed budget
- Action expenditure on works up to a maximum set out in the adopted Standing Orders and **within** agreed budgets in consultation with the Town Mayor and Committee Chair(s)
- Action for emergency expenditure up to maximum set out in the adopted Standing Orders and **outside** agreed budgets will be authorised in consultation with the Town Mayor and Chair of Finance & Governance Committee.

Delegated actions of the Clerk to the Council shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and in line with directions given by the Council from time to time and use of the Clerk's delegated powers shall be reported verbally to the next meeting of the full Council.

Council and its Committees

Duties and Powers

1) Council

The following are reserved matters for the Council to decide, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration.

- Setting the Precept
- Borrowing money
- Approval of the Council's Annual Accounts and the Annual Return
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
- Making, amending or revoking bylaws
- Making of orders under any statutory powers
- Approving and adopting the Council's long-term strategy



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- The appointment of the Town Clerk and other staff considering the advice of an appointed interview panel if there is one
- Appointment of all Standing Committees
- Matters of principle or policy
- Noting, and commenting on all the Minutes approved by Committees
- Approval of application for the Local Council Award Scheme
- Nomination and appointment of representatives of the Council to any other authority, organisation, group or body
- Any proposed undertakings committing expenditure above £5,000
- Responses to legislative and other allied consultations excluding those dealt with by the Standing Committees
- Prosecution or defence in a Court of Law other than an Employment Tribunal
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to a Committee
- Decisions to adopt the General Power of Competence (See Footnote)

2) Position of Leader of the Council

The Council will appoint a Leader of the Council who will normally hold the position of Town Mayor

Since no individual member may act alone in an executive capacity, the Clerk is delegated and directed to work with the Town Mayor to undertake overall management of the business of the council. This includes:

- Day to day decisions on the implementation of Council Policy
- Overseeing work to implement Council Strategy
- Managing Urgent Business
- Liaising with Councillors to propose a consensus on Council priorities.

Footnote: The General Power of Competence (GPC) was introduced by the Localism Act 2011 and took effect in February 2012. In simple terms, it gives councils the power to do anything an individual can do provided it is not prohibited by other legislation.



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3) Urgent Matters

In the event of any matter arising which requires an urgent decision, the Clerk to the Council shall consult with the Town Mayor and other relevant Committee Chairmen and/or Vice Chairmen before acting on behalf of the Council.

Before the Clerk exercises the delegated powers granted by the above, those Members consulted shall consider whether the matter justifies summoning an Extra-ordinary Meeting of the Council or appropriate Committee or Sub-Committee.

Whenever any action is taken in this way, full details of the circumstances justifying urgent action shall be submitted in writing to the next available meeting of the Committee concerned and/or Council.

4) Committees and Sub Committees

The **Finance & Governance Committee** shall consider and determine the following matters:

- Consideration of the Council's budget and finance requirements
- Entering into any undertakings committing expenditure below £5,000 and which is included within the agreed budget
- Matters of Council administration and policy
- Budgetary monitoring and control.
- Overseeing working relationship with Lancaster City Council and Lancashire County Council including the development of joint working arrangements
- Review and set charges for Council facilities and events
- Overview of Service Level agreements with public bodies, in conjunction with other Committees as appropriate
- Receive all applications for grant made under the Community Grant Fund, ensure that such applications meet the agreed criteria and make recommendations to Council on whether such grants should be agreed or refused
- Oversee the recruitment and selection of all staff, except for the Town Clerk which must be referred to Council
- Consider and implement any changes that are required for the Council to comply with Employment Law, Health & Safety legislation and terms and conditions of service for all employees



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- Administer any discipline or grievance procedures in accordance with the Council's adopted policies
- Ensure that all staff appraisals are carried out in accordance with Town Council policy
- Recommend to Council any changes to the terms and conditions of employment and remuneration of employees of the Council

The **Planning and Development Committee** shall consider and determine the following matters:

- Recommend to the Finance & Governance Committee, this Committee's budget for each financial year
- Entering into any undertakings committing expenditure within the agreed budget
- Comment on all planning applications and to meet residents, developers or planning officers to assist with the formulation of these comments
- Licensing matters
- Respond to all consultations and to take part in any discussions which could contribute to the formulation of local planning policies through the local plan, supplementary planning and policy documents and the neighbourhood plan
- Develop and maintain a neighbourhood plan as part of the Carnforth Neighbourhood Plan Working Group
- Comment to other authorities on public transport, highways, footways, parking and regeneration issues
- Town Centre Regeneration and oversee Council events
- Promote Health and Wellbeing

The **Assets Management Committee** shall consider and determine the following matters:

- Recommend to the Finance & Governance Committee, this Committee's budget for each financial year
- Entering into any undertakings committing expenditure within the agreed budget
- Maintenance, improvement and general upkeep of all relevant property
- Maintain and improve the quality of the local environment through the direction and management of the Outside Maintenance Officer and local groups
- Liaise with public bodies on the maintenance and improvement of the local environment within their areas of responsibility



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- Develop sustainable solutions and a long-term maintenance programme for key community assets
- Maintenance of a Fixed Asset Register and negotiation of leases
- Oversee the development and improvement of play areas
- Ensure compliance with Health & Safety, Disability Discrimination and other legislation in terms of public safety

All Committee's may refer specific matters to the Council for a final decision if it so wishes, or as directed.

5) Sub-Committees

A Standing Committee may, if it believes it would be appropriate, appoint a Sub-Committee. Any powers to be delegated to such a Sub-Committee may be detailed at the time the Sub-Committee is formed by means of a Minute detailing the Terms of Reference, but such delegated powers must be approved by the Council. Single Issue or Task and Finish Committees may not appoint sub-committees without a specific authorisation from the Council.

6) Working Groups/Advisory Committees

Working Groups/Advisory Committees may be formed by resolution of the Council or a Committee at any time. The work of such a Working Group/Advisory Committee will be decided upon at the time it is formed by means of a minute detailing the Terms of Reference. Such bodies must report back with recommendations to the Council or the Committee that formed it.

7) Attendance of Members at Committee meetings

All Councillors have an absolute right to attend any Committee meeting. The Chairman of the Committee has at his absolute discretion the right to allow a non-member to speak but is encouraged to do so. As a courtesy and if possible, a non-member is required to notify the Chairman in advance if they wished to speak on an agenda item.

A non-member may make one statement per agenda item if invited by the Chairman not to exceed 5 minutes. Any further participation in the meeting of a non-member is at the invitation of the Chairman.



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8) Transparency and Confidentiality

The Council believes in open and transparent governance wherever possible. However, the Council and Committee has the right to exclude the press and public in line with the Public Bodies (Admission to Meetings) Act 1960 ss1&2 during any part of a meeting due to the special or confidential nature of the business to be transacted.

Except where personal and individual issues are discussed, Councillors who are non-members of a Committee that has passed a resolution excluding the press and public have an absolute right to remain in the meeting. If, in the opinion of Committee, the item is of a particularly sensitive or confidential nature, non-member Councillors will be asked to leave.

9) Call-in Policy

Any three members may request the Clerk to call-in a decision taken by a committee for review by the Town Council at its next ordinary meeting. The Clerk must be notified of any call-in request six days in advance of the next ordinary meeting.