

Oswestry Town Council

Scheme of Delegation

**Council – December 2020
Review and Updated August 2022
Review and Updated March 2023
Next Review March 2024**

Scheme of Delegation

This statement details the framework of delegation in terms of policy, strategies and operation of the Council in respect of the delivery of its functions, services, responsibilities, funding and activities.

The Scheme of Delegation is produced to advise elected members, the general public and external and internal auditors of how decision making is implemented by the Council.

The primary responsibility for all matters rest with the elected members of the Council and this statement confirms how that responsibility is delegated between Council, Standing Committees and appointed Officers.

Councillors are elected to the Council normally for a four-year term but casual vacancies can occur based around resignation or disqualification. Once elected then a Councillor is required to sign a declaration of acceptance of office and a Code of Conduct that brings about the responsibilities to act in the best interests of the Council itself and their electors.

This framework of delegation details how the Council and its elected members will properly discharge their responsibilities.

Arren Roberts
Town Clerk

March 2023

1. Reservation of Powers of the Town Council

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.

- 1.1 The determination of the Council's Precept.
- 1.2 Borrowing money;
The purchase, sale or leasing of assets.
- 1.3 Any major variation of any policy decision previously taken by the Council and the declaration of any new policy provided that the formulation of such policy or policy variations has been dealt with by the appropriate committee. The decision as to whether or not a matter is one of policy within this paragraph shall rest with the Town Clerk. This includes any proposed new undertakings.
- 1.4 The appointment of the Town Clerk.
- 1.5 The incurring of expenditure for which no provision or insufficient provision has been made.
- 1.6 Any addition to, deletion of or amendment to Standing Orders relating to the proceedings of the Council, to the Terms of Reference of Committees, and to the Standing Orders and Financial Regulations including the Scheme of Delegation.
Approving the annual return;

Confirming eligibility to exercise the General Power of Competence.

Making, amending or revoking By-laws and making of Orders under any Statutory powers.

Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings).

Prosecution or defence in a court of law.

2. Conditions and Provisions Relating to Delegation

- 2.1 All delegated powers and duties shall be exercised and performed on behalf of and in the name of the Council.
- 2.2 All Committee minutes shall be received at each meeting of the Full Council.
- 2.3 The Council alone shall have authority to approve any increases in salary or rates of pay beyond the recommendations of the various advisory bodies. Similarly, to consider and determine appeals by staff against a decision of the Council in relation to applications for salary regrading.
- 2.4 Delegation of powers shall be subject as follows:
 - To the limitation imposed by the Standing Orders and Financial Regulations relating to estimates, expenditure and contracts and land and property respectively.
 - To such general directions, limitations and modifications as the Council may from time to time decide.
 - To the reference of a matter to the Council for determination, where the proposal constitutes a major variation of existing policy or has legal, financial or personnel implications which should more properly be dealt with by the Council.
 - No Working Party shall normally have delegated powers or specific budgets.
- 2.5 Where the Town Clerk chooses not to exercise their delegated powers the appropriate Committee to whom such decision would have been reported for information shall have the power to make a decision on their behalf.

- 2.6 References to Chair shall include the Vice-Chair if the Chair is not available to act.
- 2.7 Each Committee shall have the power to determine all matters within their terms of reference subject to any reservation of powers to the Council.
- 2.8 Where a Committee considers appointing a Councillor or their firm or partnership to do work for the Council then this final decision shall rest with the Full Council.

3. Standing Committees of the Council

The terms of reference for the Planning Committee are shown below:

3.1 Planning

Comment on all planning applications.

4. Working Groups/Parties

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

A record of each working group and its terms of reference will be maintained and reviewed annually alongside this document.

5. Delegation – Limitations

- 5.1 Committees and Sub-committees shall, at all times act on behalf of the Council in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, bylaws or orders

made and with any directions given by the Council from time to time.

6. Scheme of Delegation – Town Clerk

6.1 Proper Officer

6.2 The Town 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 personal and registerable 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.
- Sign summons to attend meetings of the Council.

6.3 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. Including the exercise of disciplinary powers over staff, including the power to immediately suspend.
- It shall be the responsibility of the Town Clerk to advise the Council of their need to appoint staff in the employment of

administrative or manual posts. The Town Clerk can appoint staff within the establishment (below Operations Manager and Finance Manager) and engage temporary staff as and when required in line with estimates.

- Authorisation to call any extra meetings of the Council or any Committee as necessary, having consulted with the Mayor of the Council, and/or the Chair of the appropriate Committee.
- Deal with all press and social media, and communication issues in the name of the Council.
- Authorisation to respond immediately 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.
- In consultation with all members and specifically with the Chair and Vice Chair of the Planning Committee to submit comments or objections on planning and licencing matters in circumstances where such matters are likely to be determined before a meeting of the Committee can be held.
- To instruct solicitors to act on behalf the Council as required subject to the instruction being relevant to a matter considered by the Council.
- Authorisation of routine recurring expenditure within the agreed budget.
- Emergency expenditure up to £10,000 as per Financial Regulations.

- Authorisation of expenditure on works up to a maximum of £5,000.

6.4 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.

6.5 In the absence of the Town Clerk for an extended period of time the delegation of their powers to either Operations Manager or Finance Manager will be confirmed by a council minute.

7. Scheme of Delegation – Responsible Finance Officer

7.1 The Responsible Financial 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. This includes:

- Banking arrangements;
- Payment of salaries and allowances;
- Paying all sums properly authorised;
- To collect all income due.

8. Scheme of Delegation – Operations Manager

8.1 The Operations Manager shall be responsible for:

- Exercising control and management of facilities;
- Making applications for all statutory consents necessitated by any approved Council proposal or development;
- Managing the commercial premises under the control of the council within the provisions of capital and revenue estimate and to incur expenditure to repair and maintain buildings owned by the council;
- Subject to any necessary approvals to erect or authorise street furniture.

Working Groups and Sub-Committee's

Body	Terms of Reference
Appeals Committee	<p>Appeals against decisions made in relation to staffing matters such as Grievance, Disciplinary and Capability.</p> <p>Dealing with Appeals to a final conclusion, only reporting to Council the actions it has taken at the end of the process</p>
The HR Panel and Disciplinary Committee	<p>To support the process for the appointment of OTC staff and the implementation of the subsequent organisational review.</p> <p>Hearings for Grievance, Disciplinary and Capability matters in accordance with the Councils Grievance and Disciplinary Procedure.</p> <p>Dealing with any Grievance, Disciplinary and Capability matters to a final conclusion, only reporting to Council when the time for any Appeal has passed.</p>
Oswestry Youth Music Festival Committee	<p>Oversee the delivery of the youth music festival</p> <p>Delegation to commit expenditure within the limits of the budget allocated.</p>
Markets, Performance and Liaison Panel	<p>To support the Town Centre and Markets Committee and acts as a liaison group to meet with market traders.</p> <p>To act as a think-tank for all market related issues for the Council in terms of policy, strategy and business planning and to provide initiatives and recommendations for the consideration of the Markets & Car Parks Committee.</p> <p>No delegated authority is permitted</p>

Body	Terms of Reference
Audit, Procurement and Performance Panel	<p>To formally act as an Audit Panel for Oswestry Town Council;</p> <p>To receive and make recommendations to the Finance & General Purposes Committee on all external and internal audit matters;</p> <p>To review Council policies, standing orders, and financial regulations on a regular basis making recommendations forward as appropriate;</p> <p>To perform a scrutiny role in terms of service plans, performance targets, etc. and make recommendations to Standing Committees;</p> <p>To review annually all insurance arrangements and tender insurance provision as appropriate;</p> <p>To oversee Service Level Agreements entered into for Health & Safety/Risk Management and Staffing and Management, and to make appropriate recommendations to the Finance & General Purposes Committee, as necessary;</p> <p>To annually review the Council's Risk Register and introduce and review risk management policies;</p> <p>To hold regular meetings with Advisors in accordance with the Service Level Agreement for Health & Safety and Risk Management;</p> <p>Where appropriate, support corporate procurement processes.</p>

Body	Terms of Reference
Cae Glas Park Management Group	<p>To oversee the management of Cae Glas Park and recommend onwards as appropriate.</p> <p>To develop policies and projects relevant to the park and recommend onwards as appropriate.</p> <p>To monitor the Grounds Maintenance and Management Contract and to provide feedback to the contractor.</p> <p>To approve the summer and winter bedding schemes.</p> <p>No delegated powers unless expressly authorised.</p>
Cemetery Management Group	<p>To oversee the management of Oswestry Cemetery</p> <p>To advise on fees and charges as part of the annual budget process</p> <p>To develop policies and projects relevant to the cemetery and recommend onwards as appropriate</p> <p>No delegated powers unless expressly authorised.</p>
Gatacre Allotments Liaison Committee	<p>To oversee the management of all allotments.</p> <p>To act as a liaison body with the allotment society</p> <p>To develop policies and projects relevant to the allotments and recommend onwards as appropriate</p> <p>No delegated powers unless expressly authorised</p>

Body	Terms of Reference
IT Procurement Group	To oversee and advise on the procurement of the Councils information technology needs
Climate Change Partnership Panel	<p>To develop plans and projects that enable Oswestry Town Council to become a carbon neutral organisation by 2030.</p> <p>To undertake a carbon audit and develop and action plan for achieving this aim.</p> <p>No delegated powers</p>
Youth Services Partnership Panel	<p>To review the provision of youth services in the town;</p> <p>To Identify any gaps or duplication in provision;</p> <p>To identify and review any opportunity for funding;</p> <p>To review the effectiveness of assets available for youth services in Oswestry</p> <p>To monitor the delivery of contracts and to report onwards as appropriate</p>
White Ribbon Steering Group	<p>To oversee the Council White Ribbon Accreditation</p> <p>To keep all Members informed through progress updates and communication</p>
Police Partnership Panel	<p>To share information to Prevent and Detect crime</p> <p>To adopt a partnership approach to dealing with crime and disorder issues within the local community</p> <p>To construct jointly and consider a risk management plan around current and emerging trends and issues.</p>

	<p>To reduce repeat victimisation of crime.</p> <p>To improve agency accountability.</p>
Equality and Diversity Group	<p>The focus of the Group was on the Council being a welcoming, inclusive and accessible place for everyone. This would cover:</p> <ul style="list-style-type: none"> - The role of the Councillor – ensuring current Councillors can undertake their role and that potential Councillors are not discouraged from standing for election; - Employment policies and practices; - Access to Council meetings, information and services for members of the public.
Christmas Lighting Committee	<p>To oversee the contract for the Christmas decorative lighting scheme</p> <p>No delegated powers</p>