



**MAGHULL
TOWN
COUNCIL**

Scheme of Delegation
May 2019

1. Introduction

- 1.1 This Scheme of Delegation forms part of the Council's Financial Regulations and will be reviewed at least annually or earlier, for example when there are staffing changes.
- 1.2 Those with delegated responsibility are referred to by job title, therefore any changes in job titles will trigger a review of this scheme.
- 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 either their line managers or Members. 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 various committees. This element of the scheme incorporates the Terms of Reference of the committees.
- 1.6 The powers and duties set out in this scheme are delegated to the Town Clerk. The Town Clerk may delegate these duties and powers to other Officers within the Council.

2. Powers Reserved To Council

Membership: All Councillors

Quorum: One third of the total membership.

Matters to be resolved only by Council

- Issuing the precept
- The Power to raise loans
- Approving the end of year Accounts and Annual Return.
- Incurring capital expenditure over and above the Council's approved budget.
- Incurring revenue expenditure which is over and above the Council's approved budget and is in excess of £500 per item (unless incurred already under Financial Regulations 3)
- The Council has ultimate responsibility to ensure financial balance and probity.
- Initiating requests for boundary reviews and commenting during the course of such reviews
- Amending the Constitution and Financial Regulations

- Setting the number of Committees, and the names and number of Members appointed to each Committee.
- Determining the functions and constitution of Committees and Sub-Committees.
- Setting the dates of routine meetings of the Council and its Committees.
- Filling of Member vacancies occurring on any Committee or Council
- Appointing or nominating persons to fill vacancies on outside bodies.
- Confirming the appointment of, and dismissing the Town Clerk.
- Dates of meetings of the Council
- All policy issues in relation to the Neighbourhood Plan and Major Planning Applications
- All other matters which must, by law, be reserved to the full Council.

3. Delegation to Committees

POWERS AND DUTIES OF STANDING COMMITTEES

3.1 Subject to the foregoing, and to observance of decisions of the Council on matters of principle or policy, all the Council's powers and duties shall be delegated to the Standing Committees in accordance with the following terms of reference unless otherwise specified.

3.2 The acts and proceedings of a Committee shall:

(a) where they are delegated to the Committee, so far as is legally permissible be deemed the acts and proceedings of the Council;

(b) as regards other matters, be subject to confirmation by the Council, and when confirmed shall be deemed the acts and proceedings of the Council;

(c) in all respects be subject to the provisions of the Council's Constitution and Financial Regulations except as otherwise determined by the Council.

3.3 Committees are authorised to establish sub-committees and working groups, and to appoint advisers as and when they deem necessary to assist in their work subject to adherence at all times with the Council's Constitution and to clear terms of reference being established at the outset.

3.4 The Council may at any time without prejudice to executive action already taken revoke any executive power delegated to a Committee.

3.5 Matters delegated to Committee may be referred to full Council at the request (written or verbal) of two Members of the Council prior to the resolution of the matter.

3.6 In accordance with Constitution provision 13 the Council may, under specified conditions, reverse a Committee (or Council) decision within 6 months.

4. Finance & General Purposes Committee

Membership: 9 Councillors plus Mayor (ex officio)

Quorum: 4 Councillors.

Matters to be resolved by Finance & General Purposes Committee

- (a) The making of recommendations in respect of items (a) to (j) of the matters to be dealt with solely by the Town Council;
- (b) Dealing with all matters relating to the general day-to-day corporate governance and financial administration of the Council, including issues relating to GDPR, transparency and freedom of information;
- (c) Dealing with matters specifically referred by the Town Council or any other Standing Committee and with all matters not specifically referred or delegated to any other Standing Committee;
- (d) Dealing with the Terms and Conditions of Service and superannuation of the Town Council's staff and making appropriate recommendations relying on, where appropriate, the Scheme of Conditions of Service of the National Joint Councils, the National Association of Local Councils, and any Local Conditions of Service;
- (e) To propose, monitor and review such projects as the Committee considers necessary to achieve the Council's long term aims and objectives.
- (f) To monitor and review the management of the Councils assets and financial health and to assist in this to receive at each meeting up-to-date bank reconciliation statements, schedules of payments made and income received in the previous period, and updates from the Responsible Finance Officer on the budget to date on a cost centre basis.
- (g) To advise the Council generally as to its financial and economic policies and as to the allocation and control of its financial resources.

- (h) To ensure that satisfactory arrangements are in place across the Council to promote economy, efficiency and effectiveness, including in matters relating to procurement;
- (i) To regularly monitor and review the Council's Risk Register and Risk Policy and to oversee corporate risk management.
- (j) To be lead committee for all aspects relating to internal and external audit, including issues relating to audit appointments and fees, letters of representation, issues of risk management and internal control, annual reports and management responses, and to advise Council as necessary on matters related thereto.
- (k) Monitoring the Council's complaints procedure
- (l) To oversee the Council's policy on fraud and irregularity, including being notified of any action taken under that policy, and to ensure that all significant losses have been properly investigated and that the internal and external auditors have been informed;
- (m) To receive quarterly reports from the Responsible Finance Officer on the Council's governance arrangements including arrangements for the conduct of reviews of the effectiveness of the Town Council.
- (n) To scrutinise the workings of Maghull Community Enterprise, the Council's trading company (if required).

5. Community Services Committee

Membership: 9 Councillors plus Mayor (ex officio)

Quorum: 4 Councillors.

Matters to be resolved by Community Services Committee

- (a) Development and management of community support activities including provision and maintenance of facilities, liaison with other bodies and cultural support.
- (b) Promotion of a range of Community and Civic/Mayoral Events in accordance with a programme agreed annually.
- (c) Allocation of community grant funds and other budgets allocated to the Committee for disbursement in line with criteria approved by the Committee and being subject to ongoing review.

- (d) To increase public awareness in the public of environmental, social and cultural issues and events.
- (e) To oversee the Council's external communications, including website, social media, and press and media relations and ensure the work of the Town Council is effectively promoted.
- (f) To manage all liaisons with Maghull Local Radio.
- (g) To promote and manage programmes of events, activities and bookings in the Council Chamber and Activities Room and to ensure the council's fees and charges are annually reviewed including free –use or subsidised bookings and that policies for these are robust and fair.
- (h) To oversee and manage all aspects relating to the Venue including in relation to the lease, lessee liaison and use thereof.
- (i) To lead on policies and projects designed to improve the quality of life for residents of Maghull.
- (j) To work closely with the police and other organisations to reduce crime and antisocial behaviour, secure convictions, and assist in improving public perceptions and confidence in policing, in so far as it is possible within the Town Council's sphere of influence.
- (k) To actively support, influence and make representations to other organisations and partners working in the fields of health and social services; affordable housing; public toilets; street cleaning, litter maintenance and bins; rubbish collections; kerb-side recycling, waste transfer facilities, seagulls, reduction of fly-posting, community safety and related community matters that impact upon the quality of life of the residents of Maghull.
- (l) To be lead committee for all external grant funding applications and to monitor progress in relation to same.
- (m) The making of recommendations to the Finance & General Purposes Committee regarding matters relating to the Town Council's staff employed in Community Services.

6. Amenities Committee

Membership: 9 Councillors plus Mayor (ex officio)

Quorum: 4 Councillors.

Matters to be resolved by Amenities Committee

(a) Dealing with the provision, maintenance and management of all Council land holdings including parks, recreation grounds, public open spaces, children's play facilities, the closed cemetery and any other public open spaces, and the Works Depot - and the making of recommendations annually to the Finance & General Purposes Committee of rents and charges relating thereto.

(b) Dealing with the provision and maintenance of street furniture, including public seats, bus shelters, statues and memorials, street and other signage, bus shelters, public notice boards and salt and grit bins.

(c) The co-ordination and direction of the Council's environmental improvement programme and related initiatives, including as agreed by policy support for Maghull in Bloom;

(d) The provision of an in-house engineering and maintenance service, monitoring of related work programmes and ensuring standards of risk management and health and safety are managed effectively and documented.

(e) To be lead Committee for all issues of civic pride locally, including in relation to litter clearance on Town Council land.

(f) All liaison and related issues with sports clubs and other facility users including matters relating to leases and tenancy arrangements, and making recommendations to Finance & General Purposes Committee relating all related financial issues.

(g) The making of recommendations to the Finance & General Purposes Committee regarding matters relating to the Town Council's staff employed in Amenity Services.

7. DELEGATION TO CHAIRMEN GENERALLY

(i) To cancel or postpone a meeting owing to lack of business or in an emergency.

- (ii) To have discretion to include any item of an urgent nature under "Any Other Urgent Business" on the relevant Committee Agenda.

8. LEADER OF THE COUNCIL

The Leader of the majority group on the Town Council at any time will assume the position of Leader of the Council and, *for the purposes of democratic legitimacy will be subject to formal appointment at the Annual Town Council meeting.* (S)he will have the following approved powers:-

(a) The Chairing of all meetings of the Chairmen's Group;

(b) To act as the liaison between the majority group of the Council and the Town Clerk in indicating the priorities and programmes of the Group for inclusion in Council business and their likely reaction to new policies for projects;

(c) To be the first port of call for the Town Clerk when an issue arises that requires a political or policy response from the Council and the issue does not naturally fall within the terms of reference of any of the Programme Committees, and

(d) In discussion with Members of the opposition group(s) to propose Council appointments to outside bodies.

9. Grievance and Disciplinary Panel

- 9.1 Council has granted the necessary delegated decision making powers to the Grievance and Disciplinary Panel in relation to staff grievance and disciplinary issues.
- 9.2 The Panel shall entirely consist of Councillors and shall number three.
- 9.3 Meetings will be called on an ad hoc basis as required, called by the Town Clerk and with notice given to the relevant employee.
- 9.4 A minute taker will be present throughout the proceedings.
- 9.5 The Panel will follow the procedure set out in the Town Council's Grievance and Disciplinary Procedures.

10. Appeals Panel

- 10.1 Council has granted the necessary delegated decision making powers to the Appeals Panel in relation any appeal against the decision of the Disciplinary Panel or the outcome of a Grievance.
- 10.2 Any Member who has been involved in the original Grievance or Disciplinary Panel shall not form part of the Appeals Panel.
- 10.3 The Appeals Panel will be appointed when any appeals against dismissal, grading, disciplinary proceedings and grievances by employees of the Council are made.
- 10.4 The Town Clerk will call the meeting and notice will be given to the employee.
- 10.5 A minute taker will be present throughout the proceedings.
- 10.6 The Panel will follow the procedure set out in the Town Council's Disciplinary Procedure.

11. Delegation to Officers

11.1 Town Clerk (Proper Officer)

11.1.1 The Town Clerk is designated and authorised to act as 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.

11.1.2 Provided that such authorisation is not prohibited by statute the Town Clerk to whom a power, duty or function is delegated may authorise another Officer to exercise that power, duty or function, subject to:

- only be given to an Officer below the delegating officer in the organisational structure
- only being given where there is significant administrative convenience in doing so
- the Officer authorised by the Town Clerk acting in the name of the Town Clerk
- such authorisation not being prohibited by statute.

11.2 General Matters

11.2.1 The Town Clerk is authorised:-

- a. To sign on behalf of the Council any document necessary to give effect to any decision of the Council;
- b. Managing the Council's public relations activities including social media
- c. To notify the Returning Officer of all casual vacancies arising in the membership of the Council as required by statute and to liaise with him or her regarding the conduct of elections

- d. To take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council;
- e. To institute, defend and appear in any legal proceedings authorised by the Council
- f. To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Maghull);
- g. The Chairman will instruct the Proper Officer to alter the date or time of a Council /committee meeting,
- h. To decide arrangements for the closure of the Council offices in the Christmas/New Year period, subject to consultation with the Leader of the Council;
- i. To manage the Council's facilities and assets, including parks, open spaces, amenity areas, Town Hall and other buildings and assets.
- j. To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
- k. To deal with requests from Members for secretarial or administrative support in connection with their duties
- l. To implement national pay awards and conditions of service
- m. Under the Regulation of Investigatory Powers Act 2000 to authorise directed surveillance or the use of a human intelligence source.
- n. To act as the Council's Proper Officer as per section 281 Local Government Act 1972.

11.3 Financial Matters

The Town Clerk is authorised as follows:-

- a. To incur expenditure up to a maximum of £5,000 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution.
- b. Authorisation of expenditure on works up to a maximum £5,000
- c. To be responsible for the provision and management of information and communication technology provided throughout the Council including the replacement of out-dated equipment or the purchase of new equipment within the approved Budget
- d. To use the Repairs and Maintenance Budgets for the maintenance, replacement or repair of existing property or equipment.
- e. To recommend to the relevant Council/committee quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:-
 - 1) the cost not exceeding the amount of the approved budget;
 - 2) the tender being the lowest or the one showing best added value to the Council according to the criteria set out in the tender documentation;
 - 3) all the requirements of the Council's Financial Regulations being complied with.

- f. To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.
- g. To recommend to the relevant Council / committee on investing monies held by the Council with a view to obtaining the optimum financial return.
- h. Debt monitoring and recovery to be the responsibility of the Council (above a de minimis level).

11.4 Staffing Matters

11.4.1 The Town Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:-

- a. The appointment of senior officer interviews will be carried out by a panel of two members from the personnel (or other relevant) committee and the Town Clerk;
- b. All other appointments to be recruited by the Town Clerk or relevant senior manager;
- c. The employment of temporary employees;
- d. Control of staff performance and discipline and performance, including the power of suspension and dismissal, in accordance with the policies set by the Personnel Committee and approved by Council.
- e. Payment of expenses and allowances in accordance with the Council's scheme;
- f. Dismissing members of staff;
- g. To present to the Personnel Committee guidance on recommendations for employees' salary reviews, in accordance with the Council's staff appraisal system.

11.5 Property Matters

12.5.1 The Town Clerk is given authority to manage the land and property of the Council including:-

- a. Agreeing the terms of any lease, licence, conveyance or transfer approved by Council.
- b. The granting or refusal of the Council's consent under the terms of any lease;
- c. Variations of restrictive covenants of a routine nature;
- d. Recommending to Council on the granting of easements, wayleaves and licenses over Council land;
- e. Initiating legal action or proceedings against unauthorised encampments on Council land.

12.6 Urgency

12.6.1 The Town Clerk is authorised to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council or relevant committee. The Leader of the Council and the

Chair of any relevant committee are to be consulted before such action is taken.

May 2019